MONTANA LEGISLATIVE HISTORY

Chapter 537 1989

Bill H _____ S 94 Original bill & history ✓ C

H. Committee on Highways + Transp.			S. Committee on Highways + Transportation		
Hearing Date(s)	3-9	C	Hearing Date(s)	1-24	C
	3-14	C			C
		C			C
		C			C
Date Out	3-14	C	Date Out	2-2	

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

1/10	INTRODUCED		
1/10	REFERRED TO STATE ADMINISTRATION		
1/10	FISCAL NOTE REQUESTED		
1/16	HEARING		
1/17	FISCAL NOTE RECEIVED		
1/18	FISCAL NOTE PRINTED		
1/19	COMMITTEE REPORT--BILL PASSED AS AMENDED		
1/24	2ND READING PASSED	34	15
1/24	SEGREGATED FROM COMMITTEE OF WHOLE REPORT		
1/25	2ND READING PASSED AS AMENDED	31	18
1/27	3RD READING PASSED	36	13
	TRANSMITTED TO HOUSE		
2/21	REFERRED TO NATURAL RESOURCES		
3/01	HEARING		
3/13	COMMITTEE REPORT--BILL CONCURRED AS AMENDED		
3/18	2ND READING CONCUR MOTION FAILED	46	47
3/20	RECONSIDERED PREVIOUS ACTION	56	41
3/28	2ND READING CONCURRED	53	44
3/29	3RD READING CONCURRED	52	42
	RETURNED TO SENATE WITH AMENDMENTS		
4/03	2ND READING AMENDMENTS CONCURRED	50	0
4/05	3RD READING AMENDMENTS CONCURRED	44	5
4/11	SIGNED BY PRESIDENT		
4/17	SIGNED BY SPEAKER		
4/17	TRANSMITTED TO GOVERNOR		
4/21	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 602 EFFECTIVE DATE: 10/01/89		

SB 92 INTRODUCED BY MEYER
ALLOW ADOPTEES ACCESS TO BIRTH RECORDS

1/10	INTRODUCED
1/10	REFERRED TO JUDICIARY
1/17	HEARING
	DIED IN COMMITTEE

SB 93 INTRODUCED BY MCLANE, ET AL.
REQUIRE PAYMENT OF INITIAL 30 DAYS GENERAL RELIEF ASSISTANCE BY VOUCHER
BY REQUEST OF JOINT SUBCOMMITTEE ON WELFARE

1/10	INTRODUCED
1/10	REFERRED TO LABOR & EMPLOYMENT RELATIONS
1/17	HEARING
1/17	FISCAL NOTE REQUESTED
1/23	FISCAL NOTE RECEIVED
1/25	FISCAL NOTE PRINTED
1/27	REVISED FISCAL NOTE PRINTED
	DIED IN COMMITTEE

SB 94 INTRODUCED BY BENGTSON, ET AL.
CREATE A MOTORIST INFORMATION SIGN PROGRAM

1/10	INTRODUCED
1/10	REFERRED TO HIGHWAYS & TRANSPORTATION
1/10	FISCAL NOTE REQUESTED
1/16	FISCAL NOTE RECEIVED

1/18	FISCAL NOTE PRINTED		
1/24	HEARING		
2/03	COMMITTEE REPORT--BILL PASSED AS AMENDED		
2/06	2ND READING PASSED	26	16
2/08	3RD READING PASSED	37	12
	TRANSMITTED TO HOUSE		
2/21	REFERRED TO HIGHWAYS & TRANSPORTATION		
3/09	HEARING		
3/15	COMMITTEE REPORT--BILL CONCURRED AS AMENDED		
3/18	2ND READING CONCURRED	86	5
3/21	3RD READING CONCURRED	83	11
	RETURNED TO SENATE WITH AMENDMENTS		
4/01	2ND READING AMENDMENTS CONCURRED	48	0
4/04	3RD READING AMENDMENTS CONCURRED	45	3
4/08	SIGNED BY PRESIDENT		
4/08	SIGNED BY SPEAKER		
4/10	TRANSMITTED TO GOVERNOR		
4/14	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 537 EFFECTIVE DATE: 7/01/89		

SB 95 INTRODUCED BY RASMUSSEN, ET AL.
INCREASE IN-STATE TRAVEL ALLOWANCE FOR STATE EMPLOYEES

1/11	INTRODUCED		
1/11	REFERRED TO STATE ADMINISTRATION		
1/12	FISCAL NOTE REQUESTED		
1/16	HEARING		
1/18	FISCAL NOTE RECEIVED		
1/19	FISCAL NOTE PRINTED		
1/20	HEARING		
1/27	COMMITTEE REPORT--BILL PASSED AS AMENDED		
1/31	2ND READING PASSED	27	20
2/02	3RD READING PASSED	34	14
	TRANSMITTED TO HOUSE		
2/21	REFERRED TO STATE ADMINISTRATION		
3/09	HEARING		
3/10	COMMITTEE REPORT--BILL CONCURRED		
3/11	2ND READING CONCURRED	69	24
3/11	REREFERRED TO APPROPRIATIONS		
3/16	HEARING		
3/18	COMMITTEE REPORT--BILL CONCURRED AS AMENDED		
3/28	2ND READING CONCURRED	75	24
3/29	3RD READING CONCURRED	72	23
	RETURNED TO SENATE WITH AMENDMENTS		
4/03	2ND READING AMENDMENTS NOT CONCURRED	31	11
4/03	CONFERENCE COMMITTEE APPOINTED		
4/11	CONFERENCE COMMITTEE REPORT NO. 1		
4/12	2ND READING CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	38	8
4/13	3RD READING CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	41	7
4/13	CONFERENCE COMMITTEE DISSOLVED		
	HOUSE		

SENATE BILL NO. 94

INTRODUCED BY BENGTSON, KOEHNKE

IN THE SENATE

JANUARY 10, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION.
	FIRST READING.
FEBRUARY 3, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
	STATEMENT OF INTENT ADOPTED.
FEBRUARY 6, 1989	PRINTING REPORT.
	SECOND READING, DO PASS.
FEBRUARY 7, 1989	ENGROSSING REPORT.
FEBRUARY 8, 1989	THIRD READING, PASSED. AYES, 37; NOES, 12.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 8, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION.
FEBRUARY 20, 1989	FIRST READING.
MARCH 15, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 18, 1989	SECOND READING, CONCURRED IN.
MARCH 21, 1989	THIRD READING, CONCURRED IN. AYES, 83; NOES, 11.
	RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

APRIL 1, 1989	RECEIVED FROM HOUSE.
	SECOND READING, AMENDMENTS CONCURRED IN.
APRIL 4, 1989	THIRD READING, AMENDMENTS CONCURRED IN.
	SENT TO ENROLLING.
	REPORTED CORRECTLY ENROLLED.

SENATE BILL NO. 94

INTRODUCED BY Bengtson, Hockett

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A MOTORIST INFORMATION SIGN PROGRAM; AUTHORIZING INSTALLATION AND MAINTENANCE OF MOTORIST INFORMATION SIGNS WITHIN THE RIGHTS-OF-WAY OF INTERSTATE AND PRIMARY HIGHWAYS; ALLOWING THE DEPARTMENT OF HIGHWAYS TO AWARD FRANCHISES TO PRIVATE PERSONS TO ESTABLISH AND OPERATE A MOTORIST INFORMATION SIGN PROGRAM; PROVIDING FOR FEES TO COVER THE COSTS OF THE PROGRAM; GRANTING RULEMAKING AUTHORITY; AMENDING SECTIONS 60-5-110 AND 75-15-111, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1.** **Purpose.** It is the purpose of [sections 1 through 17] to provide for the installation of motorist information signs giving specific information of interest to the traveling public regarding motorist services that are conveniently accessible from the interstate and primary highways within the state.

NEW SECTION. **Section 2.** **Definitions.** As used in [sections 1 through 17], unless the context indicates otherwise, the following definitions apply:

(1) "Business sign" means a separately attached sign

mounted on a motorist information sign panel to show the brand, symbol, trademark, or name, or combination of these, for a motorist service available on a crossroad at or near an interchange or intersection.

(2) "Crossroad" means a marked route or other public road intersecting a freeway or divided highway for which access is provided at an interchange or intersection.

(3) "Department" means the department of highways provided for in 2-15-2501.

(4) "Franchisee" means a person awarded a franchise as provided in [section 12].

(5) "Motorist information sign" means a rectangular sign panel located in the same manner as other official traffic signs, readable from the main traveled way, and that is a:

(a) specific information sign; or

(b) tourist-oriented directional sign.

(6) "Motorist service" means gas, food, lodging, camping, recreation, and other tourist services.

(7) "Specific information sign" means a motorist information sign that is located on the interstate highway system and that contains:

(a) the words "GAS", "FOOD", "LODGING", or "CAMPING";

(b) directional information; and

(c) one or more individual business signs.

INTRODUCED BILL
SB 94

(8) "Tourist-oriented directional sign" means a motorist information sign located on the primary highway system to provide:

(a) business identification; and

(b) directional information for businesses, services, and activities of interest to tourists.

NEW SECTION. **Section 3. Specific information signs within right-of-way of interstate highway system.** Specific information signs may be erected and maintained within the right-of-way of the interstate highway system to give the traveling public specific information as to motorist services available on a crossroad at or near an interchange.

NEW SECTION. **Section 4. Specific information signs -- number of business signs -- distances.** (1) The number of specific information signs permitted is limited to one for each type of motorist service along an approach to an interchange or intersection.

(2) No more than six business signs may be displayed on a "GAS" specific information sign, and no more than four business signs may be displayed on a "FOOD", "LODGING", or "CAMPING" specific information sign. Except as provided in subsection (3), no business may be allowed more than one business sign on the same specific information sign.

(3) In areas where there are only one or two qualified businesses available for each of two or more types of

motorist services, business signs for two types of services may be displayed by a business on the same specific information sign. No more than two business signs for each type of service may be displayed in combination on a specific information sign.

(4) To qualify for business identification on a specific information sign, a motorist service facility shall meet the eligibility criteria established in [section 6] and may not be located more than 3 miles from the interstate highway. However, if no eligible services are located within the 3-mile limit, the distance limits may be increased in 3-mile increments until either an eligible service or 15 miles is reached.

NEW SECTION. **Section 5. Sign composition -- spacing --conformity with laws.** (1) A specific information sign panel must have a blue background with a white reflectorized border. The panels may be illuminated subject to regulation by the department.

(2) A business sign must have a blue background with a white legend unless other requirements are established by the department. Nationally, regionally, or locally known commercial symbols, brands, or trademarks for service stations, restaurants, and motels must be used when applicable. The symbol, brand, or trademark used on the business sign must be reproduced in the colors and general

shape consistent with customary use. Messages, symbols, brands, or trademarks that interfere with or resemble any official warning or regulatory traffic sign, signal, or device are prohibited.

(3) Specific information signs are permitted only at locations where there is adequate distance between interchanges to ensure compliance with 23 CFR 655.307.

(4) The spacing between two specific information sign panels and between specific information sign panels and official traffic control signs must be in accordance with the Manual on Uniform Traffic Control Devices. If there is insufficient space for both official traffic control signs and specific information signs, the official traffic control signs must be installed.

(5) The erection and maintenance of specific information signs must conform to national standards promulgated by the secretary of the U.S. department of transportation pursuant to 23 U.S.C. 131 and 23 U.S.C. 315 and rules adopted by the department under [section 15].

NEW SECTION. **Section 6. Business eligibility -- criteria -- restrictions.** (1) To be eligible for placement of a business sign on a specific information sign panel, a business establishment shall meet the following standards for motorist services:

(a) "GAS" services must:

(i) provide vehicle services, including fuel, oil, tire repair, and water;

(ii) be in continuous operation at least 16 hours a day, 7 days a week;

(iii) provide restroom facilities and drinking water; and

(iv) have a telephone available for public use.

(b) "FOOD" services must:

(i) be licensed by the department of health and environmental sciences as required under 50-50-201;

(ii) be in continuous operation to serve three meals a day, 7 days a week; and

(iii) provide telephone and restroom facilities.

(c) "LODGING" services must:

(i) be licensed by the department of health and environmental sciences as required under 50-51-201;

(ii) provide adequate sleeping accommodations; and

(iii) offer public telephone facilities.

(d) "CAMPING" services must:

(i) be licensed by the department of health and environmental sciences and allow inspections by the local health officer, as required under 50-52-103;

(ii) provide adequate camping and parking spaces; and

(iii) have modern sanitary and drinking water facilities.

(2) (a) Each business identified on a specific information sign shall provide assurance of its conformity with all applicable laws concerning the provision of public accommodations without regard to race, color, sex, culture, social origin or condition, or political or religious ideas.

(b) If such a business violates any of these laws, it loses eligibility for business identification on a specific information sign.

(3) No business that owns or advertises on any outdoor advertising structure in violation of the provisions of Title 75, chapter 15, part 1, may be eligible for business identification on a specific information sign.

NEW SECTION. **Section 7. Tourist-oriented directional signs within right-of-way of primary highway system.** (1) Tourist-oriented directional signs may be erected and maintained within the right-of-way of the primary highway system to provide information to the traveling public concerning motorist services accessible from the primary highway system by way of an intersecting highway.

(2) A tourist-oriented directional sign may not be erected if the place of business is readily visible from the main-traveled roadway.

NEW SECTION. **Section 8. Tourist-oriented directional signs -- number of business signs -- distances.** (1) The number of tourist-oriented directional signs is limited to

three signs on an approach to an intersection.

(2) No more than four business signs may be installed on a tourist-oriented directional sign.

(3) To qualify for business identification on a tourist-oriented sign, a business shall meet the eligibility criteria established in [section 10] and may not be located more than 5 miles from the primary highway, except as otherwise permitted by the department if no eligible business is located within the 5-mile limit.

NEW SECTION. **Section 9. Sign composition -- design -- conformity with standards and rules.** (1) A tourist-oriented directional sign must be rectangular in shape and must have a white legend and border on a blue background.

(2) A tourist-oriented directional sign may contain standard general service symbols to indicate a class of business, service, or activity.

(3) Business signs for specific businesses, services, and activities may be installed on a tourist-oriented directional sign. Nationally, regionally, or locally known commercial symbols, brands, or trademarks for service stations, restaurants, and motels must be used when applicable. Such commercial symbols, brands, and trademarks must be reduced to an appropriate size. No business sign may resemble any official warning or regulatory traffic sign, signal, or device.

(4) A tourist-oriented directional sign may contain no more than two lines of legend, including no more than one business sign, a separate directional arrow, and the distance to the specific business, service, or activity.

(5) The content of the legend must be limited to the identification of the business, service, or activity. The legend may not include promotional advertising.

(6) The legends, arrows, and business signs displayed on a tourist-oriented directional sign may be reflectorized.

(7) The erection and maintenance of tourist-oriented directional signs must conform to national standards promulgated by the U.S. secretary of transportation pursuant to 23 U.S.C. 131 and 23 U.S.C. 315 and rules adopted by the department under [section 15].

NEW SECTION. **Section 10. Business eligibility -- criteria -- restrictions.** (1) To be eligible for business identification on a tourist-oriented directional sign, a business establishment shall meet the following standards for a business, service, or activity:

(a) Gas, food, lodging, and camping services must:

(i) be licensed and approved by the state and local agencies regulating the particular type of business;

(ii) provide an acceptable level of service to the public;

(iii) be in continuous operation at least 8 hours a

day, 5 days a week, including Saturday or Sunday; and

(iv) have adequate public telephone and restroom facilities.

(b) Recreation services must:

(i) be licensed and approved by state and local agencies as required by law;

(ii) provide to families and the public activities of interest in which people participate for purposes of physical exercise, collective amusement, or enjoyment of nature. Such activities may include hiking, golfing, skiing, boating, swimming, picnicking, fishing, and horseback riding.

(c) Tourist services must:

(i) be licensed as required by law;

(ii) be open to the public at least 8 hours a day, 5 days a week, including Saturday or Sunday, during the normal tourist season; and

(iii) provide a natural, recreational, historical, cultural, educational, or entertainment activity or a unique or unusual commercial or nonprofit activity, from which the major portion of income or visitors is derived during normal business seasons from motorists not residing in the immediate area of the activity.

(2) (a) Each business identified on a tourist-oriented directional sign shall provide assurance of its conformity

with all applicable laws concerning the provision of public accommodations without regard to race, color, sex, culture, social origin or condition, or political or religious ideas.

(b) If a business violates any of these laws, it loses eligibility for business identification on a tourist-oriented directional sign.

(3) No business that owns or advertises on any outdoor advertising structure in violation of the provisions of Title 75, chapter 15, part 1, may be eligible for business identification on a tourist-oriented directional sign.

NEW SECTION. **Section 11. Motorist information sign program -- department.** There is a motorist information sign program established under the general supervision and control of the department.

NEW SECTION. **Section 12. Franchises.** (1) The department may grant a franchise by public negotiation or bid to qualified persons to establish and operate the motorist information sign program authorized under [section 11].

(2) A franchisee shall furnish, install, maintain, and replace motorist information signs for the benefit of businesses that provide motorist services for the general public and may lease space on the signs to eligible businesses.

(3) A franchisee shall comply with the provisions of

[sections 1 through 10] and any other applicable state and federal laws and regulations.

NEW SECTION. **Section 13. Contract requirements.** All contracts made between the department and a franchisee must provide for:

(1) a requirement that the franchisee obtain liability insurance in an amount sufficient to jointly insure the state and the franchisee against all liability for claims for damages occurring wholly or in part because of the franchisee; and

(2) the standards for the size, design, erection, and maintenance that were adopted under [section 15].

NEW SECTION. **Section 14. Costs.** The department shall authorize reasonable fees to cover all costs incurred under the motorist information sign program. Fees must be paid under agreements negotiated between a franchisee and an advertiser unless otherwise provided in the contract between the department and the franchisee.

NEW SECTION. **Section 15. Rulemaking authority.** The department may adopt rules necessary to implement the provisions of [sections 1 through 14].

NEW SECTION. **Section 16. Restrictions.** The department may take no action under [sections 1 through 15] that may result in the loss to the state of any federal highway construction funds.

NEW SECTION. **Section 17. Federal requirements -- conflict and accord.** If the secretary of the U.S. department of transportation finds any part of [sections 1 through 16] to be in conflict with federal requirements that are prescribed as a condition to the allocation of federal funds to the state, the conflicting part of [sections 1 through 16] is invalid only to the extent of the conflict and such finding may not affect the operation of the remainder of [sections 1 through 16] in its valid applications.

Section 18. Section 60-5-110, MCA, is amended to read:

"**60-5-110. Commercial enterprise or structure prohibited -- exception.** No Except as provided in [section 12], no commercial enterprise or structure shall be constructed or operated on the publicly owned right-of-way of a controlled-access highway or facility or on any publicly leased land used in connection therewith."

Section 19. Section 75-15-111, MCA, is amended to read:

"**75-15-111. Outdoor advertising prohibited in proximity to highway -- exceptions.** (1) Outdoor advertising may not be erected or maintained which is within 660 feet of the nearest edge of the right-of-way and which is visible from any place on the main-traveled way of an interstate or primary system except:

(a) directional and other official signs and notices,

which signs and notices include but are not limited to signs and notices pertaining to natural wonders and scenic and historical attractions, as authorized or required by law;

(b) signs, displays, and devices advertising the sale or lease of property upon which they are located;

(c) signs, displays, and devices advertising activities conducted on the property upon which they are located;

(d) signs, displays, and devices located in areas which are zoned industrial or commercial by a bona fide state, county, or local zoning authority;

(e) signs, displays, and devices located in unzoned commercial or industrial areas, which areas shall be determined from actual land uses and by agreement between the department of highways and the secretary and defined by rules adopted by the commission. The exception granted by this subsection shall not apply to signs, displays, and devices located within an unzoned area in which the commercial or industrial activity used in defining the area has ceased for a period of 9 months.

(f) signs or displays advertising the cultural exhibits of nonprofit historical or arts organizations if the signs or displays conform with the standards provided in Title 23, Code of Federal Regulations, section 750, subpart B~~.~~; or

(g) signs that are consistent with the policy of this state and with the national policy set forth in 23 U.S.C. 131 and the regulations promulgated thereunder and that are designed to provide information in the specific interest of the traveling public as provided in [sections 3 through 5, 7 through 9, 11, and 12].

(2) Outdoor advertising authorized under subsections (a), (d), and (e) of (1) of this section shall conform with standards contained in and shall bear permits required in rules which are adopted by the commission and this part.

(3) Outdoor advertising may not be erected or maintained beyond 660 feet of the nearest edge of the right-of-way of an interstate or primary highway outside of an urban area if such outdoor advertising is or was erected with the purpose of its message being read from such main-traveled way and visible from such main-traveled way unless such outdoor advertising meets the criteria of subsections (a), (b), or (c) of (1) of this section. Should such outdoor advertising meet said criteria, it shall conform with standards contained in rules which are adopted by the commission and this part."

NEW SECTION. **Section 20.** Effective date. [This act] is effective July 1, 1989.

-End-

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB094 , as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act creating a motorist information sign program; authorizing installation and maintenance of motorist information signs within the right-of-way of interstate and primary highways; allowing the Department of Highways to award franchises to private persons to establish and operate a motorist information sign program; providing for fees to cover the costs of the program; granting rule making authority; amending Sections 60-5-110 and 75-15-111, MCA; and providing an effective date.

ASSUMPTIONS:

1. There will be no revenue derived by the department the first year, but it will incur expenses.
2. Section 14 authorizes the department to collect sufficient revenue to cover expenses.
3. One FTE will be required to initiate this program - an Administrative Officer, grade 15. This position will manage the program thereafter.
4. Indirect costs will be recovered by a cost assessed per sign.
5. Supervising the sign program to ensure conformity with rules and regulations, will be part of the indirect costs.

FISCAL IMPACT:

	Proposed Law	
	FY90	FY91
FTE:	1.0	1.0
Expenditures:		
Personal Services	$26,475	$26,475
Operating Expenses	5,758	9,345
Total	$32,233	$35,820
Funding Source:		
Earmarked Special Revenue	$32,233	$35,820
Revenue:		
Franchise Fee	-0-	$68,053

Ray Shackleford 1/14/89

RAY SHACKLEFORD, BUDGET DIRECTOR DATE
OFFICE OF BUDGET AND PROGRAM PLANNING

Esther G Bengtson 1-12-89

ESTHER G BENGTSON, PRIMARY SPONSOR DATE

Fiscal Note for SB094, as introduced

SB 94

CHAIRMAN--LARRY TVEIT
SECRETARY-PAT BENNETT
NORMAL SCHEDULE==> SITE: ROOM 410

COMMITTEE--(S) HIGHWAYS
DAYS: T,TH,S TIME: 1:00 P.M.

OFFICE--ROOM 407

NOTE: BILL WILL BE LISTED TWICE IF REREFERRED BACK TO THE SAME COMMITTEE

BILL		REFER DATE	LATEST DATE/ACTION ON BILL	
SB 59		01/04	01/19--(S) 2ND READ INDEFINITE POSTPONED	
			SPONSOR: BECK, TOM	TITLE-CHANGE METHOD OF SALE OF HIGHWAY EQUIPMENT
SB 61		01/04	03/22--(S) CHAPTER NUMBER	EFFECTIVE DATE: 10/01/89
			SPONSOR: HARP, JOHN	TITLE-DELETE PERFORMANCE BOND REQUIREMENT FOR HIGHWAY COMMISSIONERS
SB 62		01/04	03/29--(S) CHAPTER NUMBER	EFFECTIVE DATE: 03/29/89
			SPONSOR: FARRELL, BILL	TITLE-GROSS VEHICLE WEIGHT RULEMAKING AUTHORITY GRANTED TO DEPT. OF HIGHWAYS
SB 72		01/06	03/18--(S) CHAPTER NUMBER	EFFECTIVE DATE: 10/01/89
			SPONSOR: MEYER, DARRYL	TITLE-CHANGING ALLOWABLE LENGTHS OF SEMITRAILERS AND VARIOUS VEHICLE COMBINATIONS
SB 73		01/06	03/22--(S) CHAPTER NUMBER	EFFECTIVE DATE: 10/01/89
			SPONSOR: MEYER, DARRYL	TITLE-CORRECTING GVW MAXIMUM FORMULA
SB 81		01/10	03/22--(S) CHAPTER NUMBER	EFFECTIVE DATE: 03/22/89
			SPONSOR: PINSONEAULT, DICK	TITLE-CONTINUE PROVISION PRECLUDING HIGHWAY RESTRICTIONS ON HAULING AGRI. SEEDS
SB 94		01/10	04/14--(S) CHAPTER NUMBER	EFFECTIVE DATE: 07/01/89
			SPONSOR: BENGTSON, ESTHER	TITLE-MOTORIST INFORMATION SIGN PROGRAM
SB 96	R	01/11	04/24--WITHDREW BY SPONSOR	
			SPONSOR: BISHOP, AL	TITLE-TO REDUCE SEAT BELT VIOLATION PENALTY AND BOND TO $5
SB 105		01/13	04/28--(H) SIGNED BY SPEAKER	
			SPONSOR: MAZUREK, JOE	TITLE-DRIVER LICENSE INFORMATION TO SELECTIVE SERVICE
SB 123		01/13	03/15--(S) CHAPTER NUMBER	EFFECTIVE DATE: 10/01/89
			SPONSOR: BECK, TOM	TITLE-CANCELLATION OF ERRONEOUS MOTOR VEHICLE CERTIFICATES OF OWNERSHIP
SB 148		01/16	03/07--(H) TABLED IN COMMITTEE	(H) HIGHWAYS & TRANSPORTATION
			SPONSOR: HALLIGAN, MIKE	TITLE-RELINQUISH DRIVER'S LICENSE IN LIEU OF BAIL
SB 216		01/23	04/13--(S) CHAPTER NUMBER	EFFECTIVE DATE: 04/13/89
			SPONSOR: MANNING, DICK	TITLE-FIREFIGHTING VEHICLES ARE NOT COMMERCIAL VEHICLES
SB 221		01/25	03/20--(S) CHAPTER NUMBER	EFFECTIVE DATE: 10/01/89
			SPONSOR: TVEIT, LARRY	TITLE-35-MPH SPEED LIMIT ON HIGHWAY BEING SURVEYED
SB 242		01/25	03/29--(S) CHAPTER NUMBER	EFFECTIVE DATE: 03/29/89
			SPONSOR: HARP, JOHN	TITLE-REVISION OF RELOCATION ASSISTANCE LAW
SB 316		02/02	04/24--TABLED IN COMMITTEE	
			SPONSOR: KEATING, TOM	TITLE-LAW ENFORCEMENT ROTATION SYSTEM FOR COMMERCIAL TOW TRUCKS
SB 334		02/03	04/24--TABLED IN COMMITTEE	
			SPONSOR: TVEIT, LARRY	TITLE-LEASEHOLDER'S RIGHT OF FIRST REFUSAL IN SALE OF RAILROAD RIGHT-OF-WAY
SB 345		02/04	04/24--TABLED IN COMMITTEE	
			SPONSOR: VAN VALKENBURG, FRED	TITLE-STAGGERED REGISTRATION OF MOTOR HOMES
SB 355		02/06	03/29--(S) CHAPTER NUMBER	EFFECTIVE DATE: 10/01/89
			SPONSOR: FARRELL, BILL	TITLE-COMMERCIAL MOTOR VEHICLE OPERATOR'S ENDORSEMENTS COMPLY WITH FEDERAL REGS
SB 389	R	02/11	04/14--(S) CHAPTER NUMBER	EFFECTIVE DATE: 10/01/89

MINUTES

MONTANA SENATE
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAY AND TRANSPORTATION

Call to Order: By CHAIRMAN TVEIT, on JANUARY 24, 1989, at 1:00 p.m. in Room 410 in the State Capitol.

ROLL CALL

Members Present: SENATORS: Larry Tveit, Darryl Meyer, Hubert Abrams, Cecil Weeding, Jerry Noble, Lawrence Stimatz, John Harp, Bob Williams

Members Excused: None

Members Absent: None

Staff Present: Lee Heiman, Legislative Staff

Announcements/Discussion: Chairman Tveit announced the hearing on Senate Bill 94.

HEARING ON SENATE BILL 94

Presentation and Opening Statement by Sponsor: SENATOR ESTHER BENGTSON, District 49 stated that this bill establishes a motorist information sign program and also a tourist oriented directional sign program on the primary system. The Commerce Department did a survey of the highway signing program in Montana. Senator Bengtson distributed handouts showing the logo signs SEE EXHIBIT 1 and the tourist oriented directional signs. SEE EXHIBIT 2. There are thirty two states that use the logo signs. She also informed Committee Members of the attached Fiscal Note and the Statement of Intent. The franchisee will pay for any of the expenses the program might generate. The language that deals with the logo sign program is in conformity with all federal laws dealing with signs on the interstate.

List of Testifying Proponents and What Group they Represent:

John Wilson, Administrator for the Montana Promotion Division, Department of Commerce
Kay Foster, Billings Chamber of Commerce
Don Ingels, MT Chamber of Commerce
Herb Leuprech, Butte, War Bonnet Inn, Tourism Advisory Council

List of Testifying Proponents and What Group they Represent:

Elmer Frame, Missoula KOA Campground
Gary Walrach, Montana Signworks
Barry Simmons, Montana Signworks
Loren Smith, Great Falls KOA
Jim Manion, Triple A Montana & Montana Highway Users Federation

Testimony:

JOHN WILSON, Administrator of the Montana Promotion Division of the Department of Commerce gave out a copy of the Legislative Report, Statewide Plan for Highway Signing, January 1989. SEE EXHIBIT 3. The recommendations are on Page 38 to cover tourist directional signs and Page 49 covers the logo sign program. Highway signing is usually highly regulated for very good reasons. The report lists ten specific things that the state can do to enhance the primary and secondary signs. He stated that the Department recommends both the logo signs and the tourist oriented directional signs as a program to be put in place by means of contracts with the private vender. The reasons for support of both programs are:

1. The two sign programs provide a physical service to the traveler in need of direction.

2. The tourist oriented directional signs are a pro business development by making visitors aware of opportunities available in the State of Montana, thereby, potentially lengthening their stay.

Both programs will solve problems which currently exist to the private sector by providing sign opportunities that do not exist right now. SEE EXHIBIT 4.

KAY FOSTER, Billings Chamber of Commerce expressed support of Senate Bill 94 saying that it could increase the economic development in the area.

DON INGELS, Montana Chamber of Commerce stated that they support Senate Bill 94.

HERB LEUPRECHE, War Bonnet Inn, Butte and a member of the Tourism Advisory Council stated they are in support of Senate Bill 94.

ELMER FRAME, Missoula KOA Campground gave his testimony in support of Senate Bill 94. SEE EXHIBIT 5.

JIM MANION representing both Triple A Montana and the Montana Highway Users Federation stated that both groups feel that this would be of good service.

BARRY SIMMONS representing Montana Signworks of Helena stated that they are a billboard company and see SB 94 as a highway signs program that would be a direct benefit to motorists. SEE EXHIBIT 6.

LOREN SMITH, Great Falls KOA Campground gave his support of Senate Bill 94. He expressed concern, however, regarding the cost and the 3 mile limit. He suggested to keep the cost in line so that small businesses will be able to afford to use it. He would also like to see the 3 mile expanded out.

GARY WALRACH, Montana Signworks stated the he did a survey in Great Falls and Helena which typifies these cities. He explained that the 3 mile limit extends quite a ways over the core area. SEE EXHIBIT 7.

List of Testifying Opponents and What Group They Represent:

Dean Roberts, Myhre Advertising
Tom Harrison, Myhre Advertising
Mike Casey

Testimony:

DEAN ROBERTS, Myhre Advertising said they oppose Senate Bill 94. He informed the Committee Members that this is not an advertising program, that it is for the convenience of the traveling public. The Federal law regarding the Highway Beautification Act states that "a gas station must be in continuous operation for at least sixteen hours per day, seven days per week and must repair tires". This Federal law cannot be changed. According to the Highway Department, the way the bill is written the fifteen urban areas would not qualify for the program. Even if it did qualify in the urban areas, some of the exits would not hold all of these. He expressed the concern that with structuring the program and the cost being the same for each town, a small town like Wibaux may not be able to afford the program.

TOM HARRISON, Myhre Advertising stated that they hoped this would not be a government subsidization. He would like to see it be a private program. He suggest a change on Page 11 in Section 12 where it states "the department may grant the franchise" to change "may" to "shall". The three mile limit is in the Federal law and cannot be violated. The service station that is not a full service station would not be able to use the program. He stated that they felt there are weaknesses in Senate Bill 94. If they want it to be privatized, to be sure that the bill limits it to only privatization.

MIKE CASEY, concerned about the Helena downtown area, stated that he was interested in the three mile rule. The State of Oregon has this program. He stated that in trying to find a motel or hotel within that three mile area, you find that the program was not as effective.

List of those Testifying who were neutral:

Dennis Unsworth, Manager of Information Unit, Department of Highways
Beate Galda, Attorney for the Department of Highways

Testimony:

DENNIS UNSWORTH, Manager of the Information Unit, Department of Highways states that the Department does not take a position either for or against Senate Bill 94. He stated that the franchisee provides the engineering, promotion marketing, application services and the maintenance on the signs. The Fiscal Note they prepared in case the Department's cost would be reimbursed is required in Section 14 of the bill. If approved, they would be involved in selecting the franchisees, in compliance with rules and regulations and being sure the signs are placed properly. The Federal Government did approve rules for tourist oriented directional signs and the Department sees the advantage for this program being that it is relatively inexpensive and would be useful to small businesses. It would be available to those businesses who cannot be seen from the road and are unable to get signs according to the Outdoor Advertising Act. This bill will allow the Department to approve sign requests, where in the past they have had to say no.

BEATE GALDA, Attorney for the Highway Department noted a few errors in the bill. These suggestions are given on the witness statement. SEE EXHIBIT 8.

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Questions From Committee Members: SENATOR STIMATZ asked about the rules on putting up signs on the interstate for the Colleges.

DENNIS UNSWORTH stated there was a bill in the last session which addressed that and directed the Department to put up those signs for Vo Techs. There is a class of signs in the Federal rules that are permissive, these signs may be allowed but are not required. SEE EXHIBIT 3.

SENATOR WILLIAMS asked Barry Simmons about the preference for Montana sign makers, would it be in addition to the 3% preference that is there now.

BARRY SIMMONS stated that there could be more done to keep the work in Montana.

GARY WALRACK stated that it is important to have a business that understands Montana business and the work ethic in Montana.

SENATOR FARRELL asked Senator Bengtson if the purpose of Senate Bill 94 is for advertising or for helping tourists to find locations.

SENATOR BENGTSON stated that she is thinking more of the traveling public and as a side affect it will help business. She explained that the tourist oriented directional signs are informational and the logo signs would be advertising.
It is an opportunity to get people to stop in this state.
There are suggested amendments for telephones. SEE EXHIBIT 9. She said she would be will to work with the necessary people on the other suggested amendments.

SENATOR STIMATZ asked how we will prevent a monopoly from developing. He also wanted to know if the franchisee negotiates the price for somebody buying a logo.

SENATOR BENGTSON stated that when he gets the franchise from the Department of Highway he will then go out and market it. It was suggested that the fee be uniform throughout the state.

GARY WALRACH stated that there are 6 oil companies, 4 lodging, 4 restaurants and 4 campgrounds per logo on each exit.

SENATOR STIMATZ pointed out in the bill, on Page 3, Line 22 where it states that no business will be allowed more than 1 business sign on the same specific information sign.

GARY WALRACH explained that even though a business such as KOA offers more than one service, they are allowed only one logo on that structure. He stated that you can scale this down to match.

Closing by Sponsor: SENATOR BENGTSON stated that this is a program which has worked in 32 states and Montana is not any different. It will not cost the State anything, it is a win for the franchisee and it will be a win for the travelling motorist.

CHAIRMAN TVEIT announced that since there are so many areas in the bill that need to be changed, he appointed a Subcommittee. The Subcommittee members are: Senator Noble, Senator Stimatz, Senator Farrell, Sponsor, staffer and the Highway Department. He instructed the Subcommittee to sit down and iron out the differences and report back to the Committee at a later date.

ADJOURNMENT

Adjournment At: 2:30 p.m.

Sen. Tveit
SENATOR LARRY TVEIT, Chairman

LT/pb

senmin.124

ROLL CALL

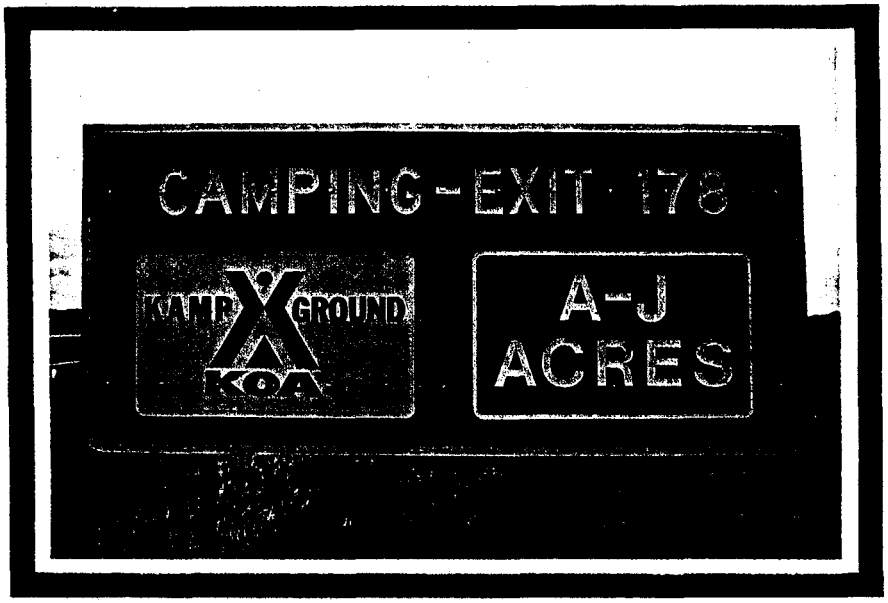
HIGHWAY COMMITTEE

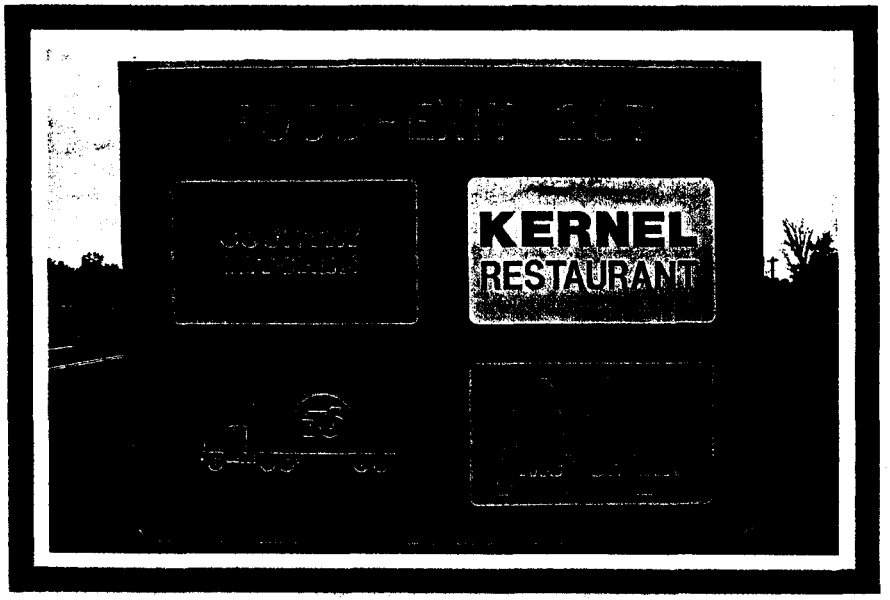
DATE January 24, 1989

51st
LEGISLATIVE SESSION

NAME	PRESENT	ABSENT	EXCUSED
CHAIRMAN TVEIT	✓		
VICE CHAIRMAN MEYER	✓		
SENATOR ABRAMS	✓		
SENATOR FARRELL	✓		
SENATOR WEEDING	✓		
SENATOR NOBLE	✓		
SENATOR STIMATZ	✓		
SENATOR HARP	✓		
SENATOR WILLIAMS	✓		

Each day attach to minutes.





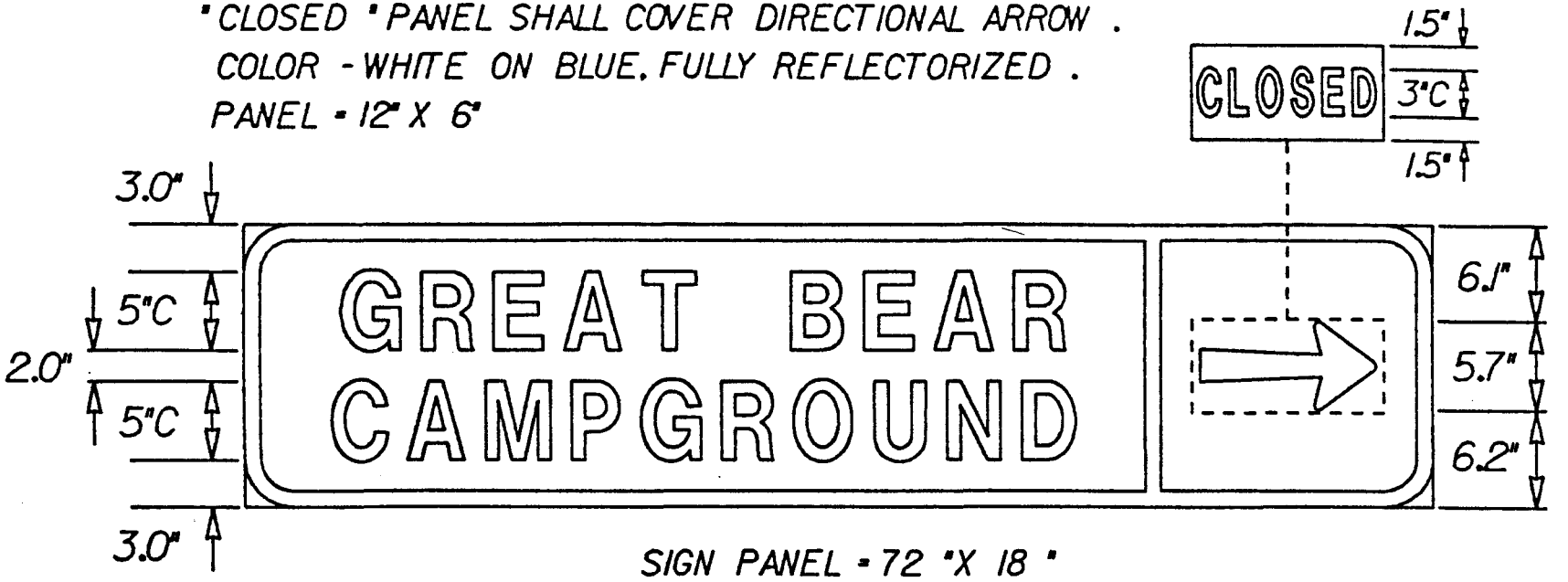
loop

SENATE HIGHWAYS
DATE 1-24-89
ROLL NO
BILL NO
S685

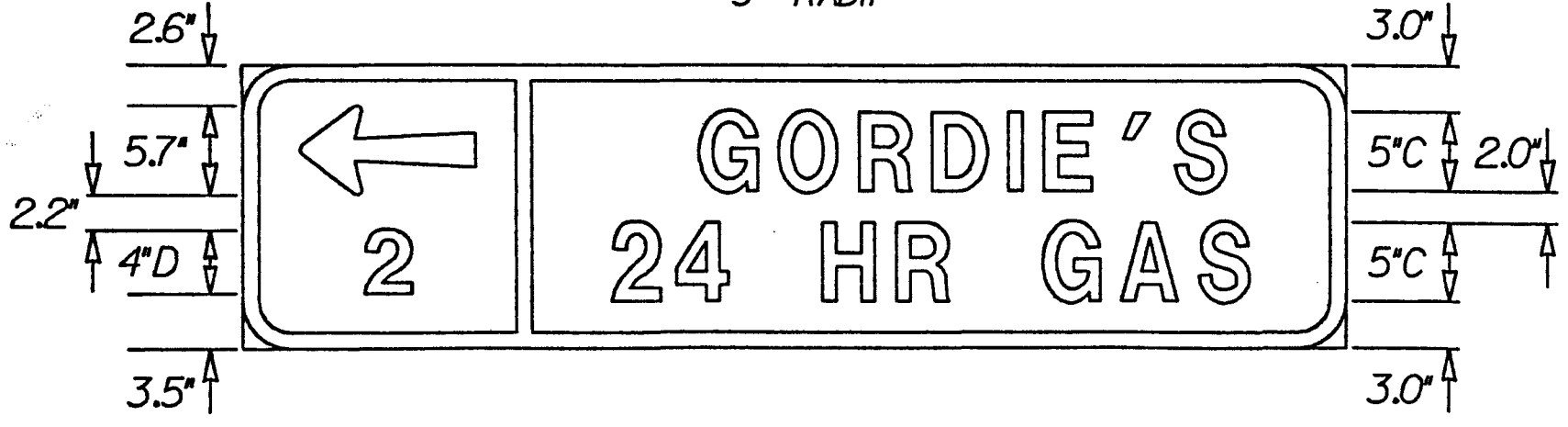
SENATE HIGHWAYS
EXHIBIT NO. 2
DATE 1-24-89
BILL NO. SB 94

(21)

"CLOSED" PANEL SHALL COVER DIRECTIONAL ARROW.
COLOR - WHITE ON BLUE. FULLY REFLECTORIZED.
PANEL - 12" X 6"



SIGN PANEL - 72" X 18"
1" BORDER
3" RADII



COLOR - WHITE LEGEND AND BORDER ON BLUE BACKGROUND, FULLY REFLECTORIZED.

NO DISTANCE SHOWN IF LESS THAN 1 MILE.

ARROW - 11" X 5.7"

SENATE HIGHWAYS
EXHIBIT NO. 3
DATE 1-24-89
BILL NO. SB94

Legislative Report

A Statewide Plan For Highway Signing

January 1989

SENATE HIGHWAYS
EXHIBIT NO. 4
DATE 1-24-89
BILL NO. SB94

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE - FOR THE RECORD MY NAME IS JOHN WILSON, ADMINISTRATOR OF THE MONTANA PROMOTION DIVISION OF THE DEPARTMENT OF COMMERCE.

THE LAST LEGISLATURE PASSED HB 607 WHICH DIRECTED THE DEPARTMENT OF COMMERCE TO COMPLETE A STATEWIDE INVENTORY OF HIGHWAY SIGNS AND DEVELOP A COMPREHENSIVE PLAN FOR A SYSTEM OF HIGHWAY SIGNS. WE HAVE COMPLETED THAT TASK AND YOU HAVE BEFORE YOU OUR RECOMMENDATIONS.

HIGHWAY SIGNING IS HIGHLY REGULATED AND USUALLY FOR GOOD REASONS. THE FEDERAL GOVERNMENT PROMULGATES THE LION'S SHARE OF THE REGULATIONS.

BE THAT AS IT MAY, THERE ARE A NUMBER OF OPTIONS AVAILABLE TO THE STATE TO IMPROVE ITS HIGHWAY SIGNING WITHIN THE PURVIEW OF THOSE REGULATIONS. OUR REPORT OUTLINES TEN SPECIFIC THINGS THE STATE CAN DO TO ENHANCE OUR INTERSTATE, PRIMARY AND SECONDARY SIGNING.

TWO OF OUR RECOMMENDATIONS DEAL WITH THE BILL YOU HAVE BEFORE YOU (SB 94). AFTER PUBLIC OPINION POLLING (AAA AND BUSINESSES) A SERIES OF PUBLIC MEETINGS AND CLOSE INVESTIGATION OF WHAT IS POSSIBLE, WE RECOMMEND THAT BOTH THE LOGO SIGNS AND THE TOURIST-ORIENTED DIRECTIONAL SIGNS PROGRAM BE PUT IN PLACE BY MEANS OF CONTRACT WITH A PRIVATE VENDOR.

OUR REASONS ARE AS FOLLOWS:

1) THEY BOTH PROVIDE A PRINCIPLE SERVICE OF GIVING THE TRAVELER NEEDED DIRECTION.

2) THE TOURIST-ORIENTED DIRECTIONAL SIGNS ARE A PRO-BUSINESS DEVELOPMENT BY MAKING VISITORS AWARE OF OPPORTUNITIES, THEREBY POTENTIALLY LENGTHENING THEIR STAY.

3) THEY BOTH SOLVE PROBLEMS FOR THE PRIVATE SECTOR BY PROVIDING SIGNING OPPORTUNITIES WHERE NONE EXIST.

4) BOTH ARE TASTEFUL AND WILL NOT DETRACT FROM MONTANA'S BEAUTY.

5) BOTH CAN BE ACCOMPLISHED AT LITTLE OR NO COST TO THE STATE.

6) 32 OUT OF 50 STATES HAVE SUCESSFULLY ADOPTED THE LOGO PROGRAM. IT'S NOT AN ISSUE THAT IS GOING TO GO AWAY.

FOR THESE REASONS, WE BELIEVE ADOPTION OF SB 94 WOULD BE WORTHWHILE AND BENEFICIAL TO THE STATE AS A WHOLE.

SENATE HIGHWAYS
EXHIBIT NO. 5
DATE 1-24-89
BILL NO. SB94

ELMER AND MARGIE FRAME (YOUR HOSTS) 549-0881

KOA®

Missoula KOA *In Association with* *El-Mar* Trailer Village

PHONE (406) 549-0881
3695 TINA AVENUE
MISSOULA, MONTANA 59802

January 24, 1989
1:00 p.m.

Senate Highway Committee
RE: SB94

Members of the Committee:

My name is Elmer Frame. My wife and I own a campground in Missoula, and I am a member of the Tourism Advisory Council. I am speaking in favor of SB94. The bill is written to provide information to the motorist within the right-of-way on interstate and primary highways. This information would be paid for by businesses subscribing to the service. There would be no cost to the State of Montana or the taxpayers of Montana.

The bill provides for GAS, FOOD, LODGING or CAMPING businesses to purchase space on information signs provided these businesses meet certain quality criteria. More than 30 states have passed similar legislation and my campground associates who subscribe to this motorist information service have expressed satisfaction.

This directional sign program is not designed to replace present advertising billboards, but will allow small campgrounds and motels a chance to let their reserved customers know where to turn off the highway to find their businesses.

Most choice billboard locations are currently controlled by outdoor advertising companies and a new or existing business must wait several years to find a place to give simple directions to their customers. Billboards cost $300 per month and must be leased for 12 months even through the camping season is 4 months. Travel-oriented businesses currently buying billboard space to advertise their facilitiy are not affected by this bill. Advertising is not permitted on motorist information signs under SB94.

The criteria for business eligibility will help maintain or increase the standard of service offered to the motorist.

I am concerned about the wording under Section 14 (Costs). A franchisee outdoor sign company could garner control of all interchange locations in the state and charge a fee that is exorbitant. The advertising fee should be subject to approval by the department and all locations in the state should command the same fee. Interchanges near or within larger cities have more than 3 similar businesses and I can visualize competitive bidding for a place on the panel with the highest bidder being the basis for placement. This would defeat the purpose of the bill..

My suggestion is that Section 14 (Costs) be reworded as follows:

"The department shall set reasonable fees to cover all costs incurred under the motorist information sign program. Fees may be paid to the franchissee by the advertiser unless otherwise provided in the contract between the department and the franchisee. Fees set by the department must be determined unilaterally on a statewide basis."

Idaho has a motorist information sign program operated by the state. They charge the same price for all interchanges statewide. It is $650 per year for two signs each direction on an exit. This seems reasonable. I have no problem with the State putting the program out for bid to private sign companies provided geographic areas are advertised separately to avoid the possibility of one franchisee monopolizing the entire state.

I have three minor word changes that seem appropriate: Page 4, line 23, add campground after restaurants, Page 8, line 21, add campground after restaurants (We have a nationally know campground chain with national headquarters in Billings.), and the sentence beginning on Page 8, lines 22 and 23,"Such commercial symbols, brands, and trademarks must be reduced to an appropriate size", should be changed to be consistent with lines 24 and 25, Page 4, and Line 1, Page 5,"The symbol, brand, or trademark used on the business sign must be reproduced in the colors and general shape consistent with customary use".

In summary, I have highlighted the key issues in SB94. They are: (read from highlighted text).

I respectfully request that you give SB94 favorable consideration.

Elmer France

Elmer Frame
Missoula KOA and Member of Tourism Advisory Council

EF/ls

28

My Name is Barry Simmons
I am the President of Mad Sign Inc.
We are located at 2201 Henderson Ave,
Helena.

Montana Signworks

SIGNS OF EXCELLENCE

January 20, 1989

SENATE HIGHWAYS
EXHIBIT NO. 6
DATE 1-24-89
BILL NO. SB94

The Honorable Esther G. Bengtson
State Senator
Capitol Station
Helena, Montana 59620

Dear Senator:

We see your SB94 as a highway signage program that is a direct benefit to motorists. Montana Signworks is in the billboard business, and believe the motorists information signage would only compliment existing and future billboards. Logo signage is a proven way to assist tourism promotion by adding convenient information to the traveler's experience. Not only does the logo sign concept assist visitors, but state residents benefit and appreciate the program also.

The important question, of course, is how to develope a successful program with a minimum of state expense in terms of dollars and personnel. We feel the answer is to promote the successful integration of private and public efforts for economic development. With the passage of SB94 will come a number of out-of-state companies wanting the francise rights to the program. With very qualified and experienced sign companies like Montana Signworks located right in our state, we would like to see efforts made to increase the likelyhood of the francise award going to a Montana based business.

Regardless of who would receive the contract, Montana Signworks, a sign and billboard company is in support of your Senate Bill 94.

Thank you for your time.

Barry J Simmons

Sincerely,

Barry J Simmons
President
Montana Signworks, Inc.

Gary Wahnek

SENATE
EXHIBIT NO. 7
DATE 1-24-87
BILL NO. SB94

DEMOGRAPHIC STUDY

THREE MILE QUALIFICATION
IN REFERENCE TO
SB94

MOTORIST INFORMATION
PROGRAM

SB94 MILEAGE STUDY

THE FOLLOWING BUSINESSES CURRENTLY HAVE BILLBOARDS ON I-15. THESE BILLBOARDS ARE APPROACHING THE STUDY CITY FROM THE NORTH AND SOUTH OF TWO MAJOR EXITS. THE BUSINESSES THAT ARE MORE THAN THREE MILES FROM I-15 ARE MARKED (*).

GREAT FALLS

BILLBOARDS APPROACHING FROM THE SOUTH WITHIN 11 MILES FROM 10TH AVENUE SOUTH EXIT.

1. QUALITY INN
2. (CONRAD) BUSINESS
3. SHERATON GREAT FALLS
4. JAKES RESTAURANT
5. RAINBOW HOTEL
6. BUDGET INN
7. RV PARK GOOD NEIGHBOR SAM
8. FLYING J TRUCK PLAZA
9. CONOCO

GREAT FALLS

BILLBOARDS APPROACHING FROM THE NORTH WITHIN 10 MILES FROM THE CENTRAL AVENUE WEST EXIT.

1. RAINBOW HOTEL
2. VILLAGE MOTOR INN
3. STAR LITE MOTEL
4. EVERGREEN MOTEL
5. BUDGET INN
6. HERITAGE INN
7. SUPER 8
8. QUALITY INN
9. PONEROSA
10. SHERATON

*11. R & R CASINO AND STEAKHOUSE

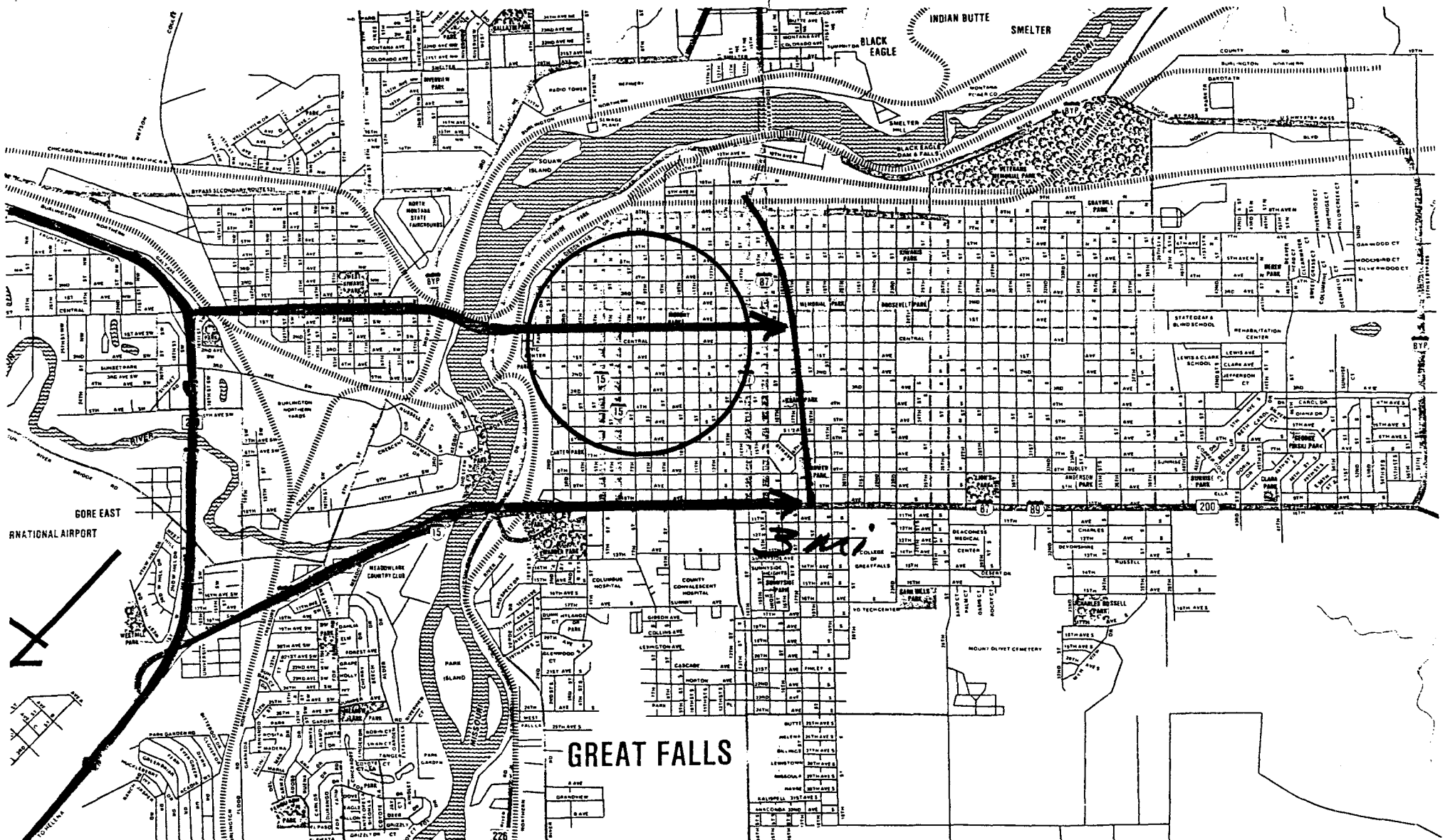
12. NATIONAL 9

*13. KOA

14. HARDEES
15. DICK'S TRAILER COURT

QUALIFIED BUSINESS
WITHIN THE THREE MILE
CRITERIA I-15
10TH AVENUE SOUTH EXIT

1. CONOCO 1
2. EXXON 1
3. BUDGET INN
4. HERITAGE INN
5. TOWN PUMP
6. EXXON 2
7. CONOCO 2
8. ARBY'S
9. EXXON 3
10. WENDY'S
11. COUNTRY KITCHEN
12. SINCLAIR GAS
13. JB'S RESTAURANT
14. TOWN PUMP 2
15. QUALITY INN
16. MINI MART
17. ELMERS PANCAKE
18. KINGS TABLE


INDIAN BUTTE
SMELTER
BLACK EAGLE
GORE EAST
NATIONAL AIRPORT
3 mi
GREAT FALLS

HELENA

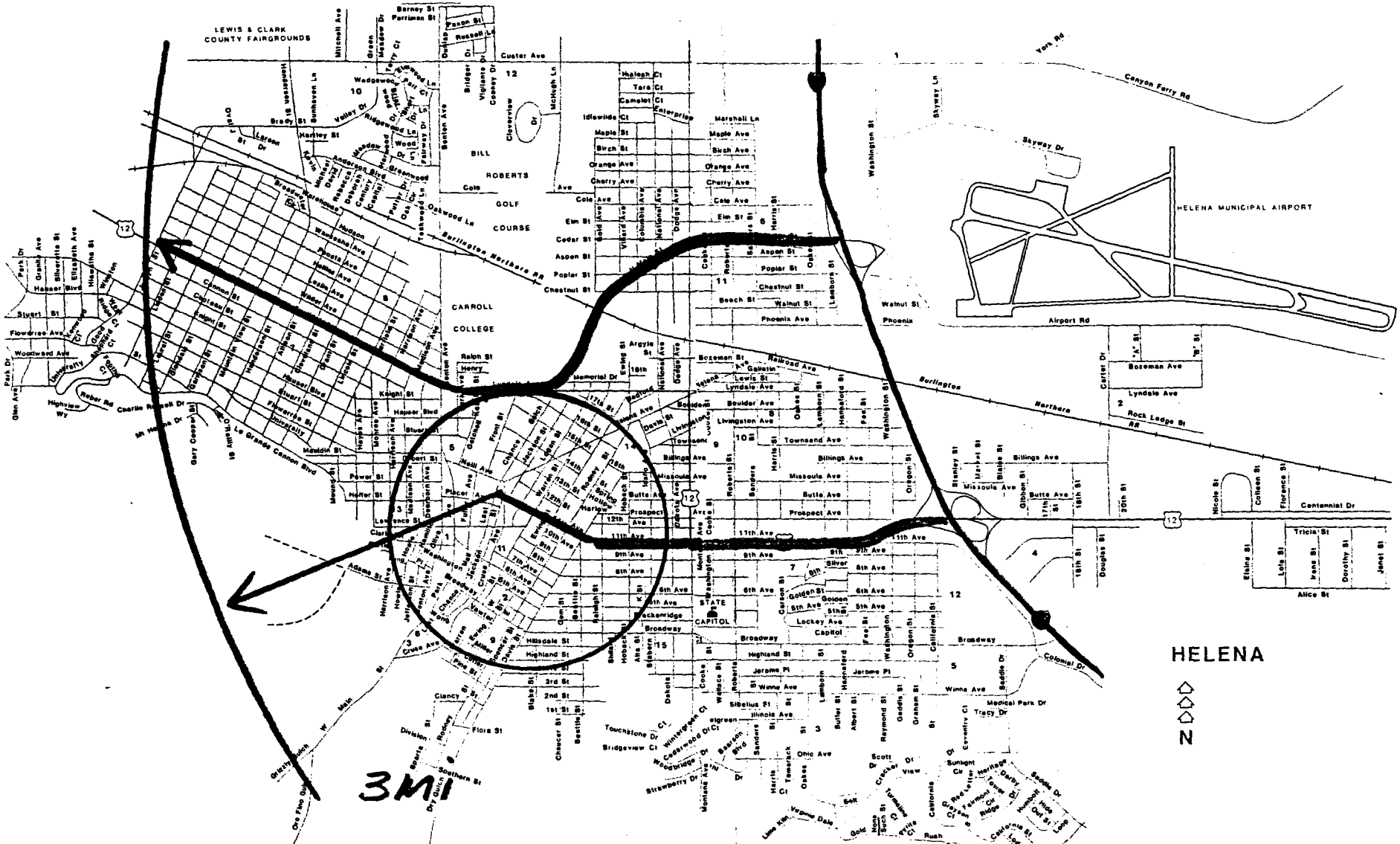
BILLBOARDS APPROACHING FROM THE NORTH WITHIN 8 MILES (WEIGH STATION) FROM CEDAR STREET EXIT.

1. MARTINS IGA HAM STORE
2. GRUB STAKE
3. SUPER 8
4. BEST WESTERN COLONIAL INN
5. ALADIN COACH HOUSE EAST
6. HUSKY
7. MOTEL 6
8. MCDONALDS

HELENA

BILLBOARDS APPROACHING FROM THE SOUTH WITHIN 10 MILES (CLANCY) FROM PROSPECT AVENUE EXIT.

1. SUPER 8
2. JORGENSENS
3. BEST WESTERN COLONIAL INN
4. HUSKY
5. MCDONALDS
6. JORGENSENS


LEWIS & CLARK COUNTY FAIRGROUNDS
BILL ROBERTS GOLF COURSE
CARROLL COLLEGE
HELENA MUNICIPAL AIRPORT
Airport Rd
Skyway Dr
Canyon Ferry Rd
York Rd
Custer Ave
Broadway
Last Chance Gulch
STATE CAPITOL
Montana Ave
Dodge Ave
Harris St
Washington St
Park Dr
Cedar St
Aspen St
Poplar St
Chestnut St
Beech St
Walnut St
Phoenix Ave
Elm St
Maple St
Birch St
Orange Ave
Cherry Ave
Cole Ave
Marshall Ln
Idlewilde Ct
Hialeah Ct
Tara Ct
Camelot Ct
Enterprise
Custer Ave
Barney St
Parrimon St
Pason St
Dunlap
Russell Ln
Mitchell Ave
Green Meadow Dr
Ferry Ct
Wedgewood Dr
Bill Ct
Valley Dr
Ridgewood Ln
Fairway Dr
Bunhaven Ln
Brady St
Hanley St
Larsen St Dr
Overlook Dr
Benton Ave
Bridger Dr
Vigilante Dr
Cooney Dr
Cloverview Dr
McHugh Ln
Oakwood Ln
Berlington Northern Rd
Broadwater Ave
Wadsworth Ave
Hudson
Phoenix Ave
Helena Ave
Leslie Ave
Weber Ave
Cannon St
Chestnut St
Knight St
Hauser Blvd
Stuart St
Flowerree Ave
Woodward Ave
Park Dr
Glen Ave
Granby Ave
Hauser Blvd
Silverbrite St
Elizabeth Ave
Hiawatha St
Wheaton
Rodney St
Lyndale Ave
Lenore Ct
Grace Meadows Ct
Meadows Ct
Forestry Ct
University
Highview Wy
Reber Rd
Mt Helena Dr
Gary Cooper St
Le Grande Cannon Blvd
Ralph St
Henry St
Memorial Dr
Argyle St
Ewing St
Railroad Ave
Bozeman St
Galusha
Lewis St
Lyndale Ave
Boulder Ave
Livingston Ave
Townsend Ave
Billings Ave
Missoula Ave
Butte Ave
Prospect Ave
11th Ave
9th Ave
8th Ave
6th Ave
5th Ave
Lockey Ave
Capitol
Highland St
Hillsdale St
Jerome Pl
Winne Ave
Sibelius St
Illinois Ave
Golden St
Silver
Colonial Dr
Medical Park Dr
Tracy Dr
Saddle Dr
Burlington Northern RR
Rock Ledge St
Bozeman Ave
Carter Dr
Centennial Dr
Alice St
Tricia St
Elaine St
Lola St
Irene St
Dorothy St
Janet St
Florence St
Colleen St
Nicole St
Gibson St
Stanley St
Hazel St
Blake St
Oregon St
Roberts St
Sanders
Harris St
Fee St
Hennesford St
Lamborn St
Oakes St
Logan St
Rodney St
Jackson St
Chaucer St
Front St
Last Chance Gulch
Park Ave
Placer Ave
Lawrence St
Clancy St
Flora St
Division St
Rodney
Beattie St
Blake St
Chaucer St
Dakota St
Cooke St
Wallace St
Roberts St
Sanders St
Butler St
Albert St
Raymond St
Gaddis St
Graham St
Saddle Dr
Touchstone Dr
Touchstone Ct
Bridgeview Ct
Castlewood Dr
Woodridge
Strawberry Dr
Montana Ave
Ohio Ave
Scott Dr
Cracker Dr
View
Sunlight Cir
Heritage
Derby
Saddle Dr
Tamarack Cir
Ridge
Humboldt
Hide Out St
Look Out Cir
Look Out St
Loop
California
Red Feather
Rush
Wheatcroft Ln
Virginia Dale
Lime Kiln
Golf
Horse Shoe Dr
Terrace Ct
Terrace
Oro Fino Gulch
Grizzly Gulch
W Main St
Dry Gulch
Southern St
3MI
HELENA
N

QUALIFIED BUSINESS
WITHIN THE THREE MILE
CRITERIA I-15
HELENA
CEDAR STREET EXIT

1. EXXON
2. CONOCO
3. CHEVRON
4. CONOCO - JERRYS
5. KENTUCKY FRIED CHICKEN
6. GERTIES
7. SUPER AMERICA
8. EXXON
9. HARDEES
10. CONOCO
11. CONOCO

QUALIFIED BUSINESS
WITHIN THE THREE MILE
CRITERIA I-15
HELENA
PROSPECT AVENUE EXIT

1. DAYS INN
2. SINCLAIR
3. RAX
4. MCDONALDS
5. SUPER 8
6. BURGER KING
7. SHILO
8. COUNTRY KITCHEN
9. COLONIAL
10. WENDYS
11. JORGENSENS
12. SINCLAIR
13. DAIRY QUEEN
14. EXXON
15. BIONEER PIES
16. FRONTIER PIES
17. EXXON
18. J B's
19. TOWN PUMP

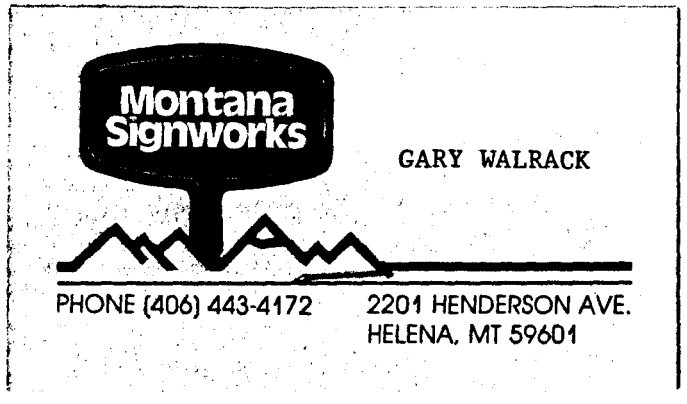
PREPARED BY:

GARY WALRACK

(406) 443-4172

OR

(406) 453-5000



WITNESS STATEMENT

SENATE HIGHWAYS
EXHIBIT NO. 8
DATE 1-24-89
BILL NO SB 94

NAME: Bud Galda

ADDRESS: Dept. of Highways

PHONE: 444-6097

REPRESENTING WHOM? Dept. of Highways

APPEARING ON WHICH PROPOSAL: S.B. 94

DO YOU: SUPPORT? _____ AMEND? ✓ OPPOSE? _____

COMMENTS: p. 5 line 7 23 CFR 655.207 has been repealed. The provisions are found in the Manual on Uniform Traffic Control Devices

p. 9, lines 1-4 seem to conflict with subsection (2) on page 8, lines 2-3 which allows "business signs on a tourist oriented directional sign."

Suggest a change to defining it as a "business sign" (ie line 3 change "business sign" to "business name or symbol")

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SENATE HIGHWAYS
EXHIBIT NO. 9
DATE 1-24-89
BILL NO. SB94

AMENDMENTS TO SENATE BILL 94

1. Page 6, line 13.

STRIKE: line 13 in its entirety

INSERT: "have a telephone and restroom facilities available for public use."

2. Page 6, line 18.

STRIKE: line 18 in its entirety

INSERT: "have a telephone available for public use."

3. Page 10, lines 2 and 3.

STRIKE: Lines 2 and 3 in their entirety

INSERT: "have a telephone and restroom facilities available for public use."

WITNESS STATEMENT

NAME: Loren Smith DATE: Jan 24 89

ADDRESS: 1500 51st St. S. Great Falls

PHONE: 406 - 727 - 3192

REPRESENTING WHOM? Great Falls KOA

APPEARING ON WHICH PROPOSAL: SB 94

DO YOU: SUPPORT? ✓ AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Gary Walrath DATE: 1-24-8

ADDRESS: Box 808 GTF

PHONE: 406 453-5000

REPRESENTING WHOM? MT Sign Works

APPEARING ON WHICH PROPOSAL: SB 94

DO YOU: SUPPORT? V AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

WITNESS STATEMENT

NAME: Elmer Frame DATE: 1-24-89

ADDRESS: 3695 TINA Ave Missoula

PHONE: 549-0881

REPRESENTING WHOM? Missoula KOA & T.A.C.

APPEARING ON WHICH PROPOSAL: SB 94

DO YOU: SUPPORT? ✓ AMEND? ~ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

DATE JANUARY 24, 1989

COMMITTEE ON HIGHWAY AND TRANSPORTATION

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One: Support	Check One: Oppose
Gary Wallrack	MT. SIGN WORKS	94	✓	
Bute Galda	Dept. of Highways	94		
Elmer FRAME	MISSOULA KOA	94	✓	
Herbert Seppede	Tourism Adv. Council	94	✓	
Hazel Sheppeck-	War Bonnet Inn - Butte	94	✓	
Lorin Smith	Great Falls KOA	94	✓	
Sonya Skelton	Super 8 Missoula Motel	94		
Kay Foster	Billings Cramers	94	✓	
Dennis Unsworth	Dept. of Highways	94		
Don Ingels	Mt Chamber of Commerce	94	✓	
Don Roberts		94		✓
Tom Nennison	Mahre Advertising			✓
BARRY SIMMONS	Montana Signways	94	✓	
JIM MAHON	AAA Montana Mont. Highway Users Fed.	94	✓	
STEVE SCHELL	MONTANA SIGNWORKS	94	✓	
Doris Ekstrom	Ekstrom's Stage Station	94	✓	
Tom McElwee	US West	94	✓	
Mike Casey	[illegible]	94		✓

(Please leave prepared statement with Secretary)

MINUTES

MONTANA SENATE
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAY AND TRANSPORTATION

Call to Order: By CHAIRMAN TVEIT, on February 2, 1989, at 1:00 p.m. in Room 410 of the State Capitol.

ROLL CALL

Members Present: SENATORS: Larry Tveit, Darryl Meyer, William Farrell, Cecil Weeding, Jerry Noble, Lawrence Stimatz, John Harp, and Bob Williams

Members Excused: Senator Hubert Abrams

Members Absent: None

Staff Present: Lee Heiman, Legislative Council

Announcements/Discussion: CHAIRMAN TVEIT announced the hearings on House Joint Resolution 2 and Senate Bill 148.

HEARING ON HOUSE JOINT RESOLUTION 2

Presentation and Opening Statement by Sponsor:
REPRESENTATIVE PETERSON, District 1, stated that it concerns opening the U.S. side of the border on Highway 93. The Canadian side is open 24 hours per day and the U.S. side is closed from midnight until 8:00 in the morning. This has caused considerable confusion. There are a number of local people who attend the hockey games in Canada and have to get back by that midnight Montana time. Highway 93 and the Roosville border is the only entry into British Columbia. It is a major avenue of commerce. Representative Peterson explained her amendments for HJR 2. SEE EXHIBIT 1.

List of Testifying Proponents and What Group they Represent:

None

List of Testifying Opponents and What Group They Represent:

None

SENATOR HALLIGAN stated that if they are stopped for a traffic offense, as listed under Title 61, the Officer then notes on the back of the copy that the drivers license has been taken and that will serve as a temporary permit to drive. If a person fails to appear and is not excused by the court, the court will send the person's drivers license to the Department of Suspension and will be issued an arrest warrant again.

Testimony:

JOHN CONNOR, Department of Justice, County Prosecutor Services stated that the Department was neither for or against the bill, but their concern is that there would be additional costs to the Department. For that reason, they feel there should be a fiscal note with this bill. The calculations made by the Division of Motor Vehicles is to the effect that there would be a resulting cost to the Department of approximately $17,000. in order to track these suspensions. The personnel costs would be $11,000. and the additional operating expenses would be $6,000. There is not money in the Department's budget to cover these expenses.

Questions From Committee Members: SENATOR NOBLE asked if a person can either put up bail or do this method.

SENATOR HALLIGAN stated that it is at the request of the violator which he would rather do. If they are a resident and live in the area, they may not have to do either.

CHAIRMAN TVEIT asked Senator Halligan to get a fiscal note for SB 148.

Closing by Sponsor: SENATOR HALLIGAN closed the hearing on Senate Bill 148 and stated that he would get a fiscal note.

DISPOSITION OF SENATE BILL 94

Discussion: SENATOR NOBLE, Chairman of the Subcommittee on SB 94 informed the Committee of the amendments that came out of the Subcommittee. SEE EXHIBIT 3.

Amendments and Votes: SENATOR WILLIAMS MOVED the amendments to pass. MOTION PASSED UNANIMOUSLY.

Recommendation and Vote: SENATOR FARRELL MOVED that SENATE BILL 94 DO PASS AS AMENDED.

MOTION PASSED UNANIMOUSLY.

ROLL CALL

HIGHWAY COMMITTEE

DATE February 2, 1989

51st
LEGISLATIVE SESSION

NAME	PRESENT	ABSENT	EXCUSED
CHAIRMAN TVEIT	✓		
VICE CHAIRMAN MEYER	✓		
SENATOR ABRAMS			✓
SENATOR FARRELL	✓		
SENATOR WEEDING	✓		
SENATOR NOBLE	✓		
SENATOR STIMATZ	✓		
SENATOR HARP	✓		
SENATOR WILLIAMS	✓		

Each day attach to minutes.

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SENATE STANDING COMMITTEE REPORT

February 2, 1989

MR. PRESIDENT:

We, your committee on Highways and Transportation, having had under consideration SB 94 (first reading copy -- white), respectfully report that SB 94 be amended and as so amended do pass:

1. Page 1.
Following: line 14
Insert: "STATEMENT OF INTENT

A statement of intent is required for this bill because section 15 grants the department of highways authority to adopt rules to implement the provisions of [this act].

It is the intent of the legislature that the department have discretion to adopt rules that will result in a motorist information sign program that will aid the traveling public in locating gas, food, lodging, camping, recreation, and other tourist services that are conveniently accessible from the interstate and primary highways within the state. Such rules should supplement and interpret the provisions of [this act].

In adopting rules, the department should develop a policy for installation of motorist information signs. At a minimum, this policy should include criteria for:

(1) standards of service for business eligibility for placement of a logo sign;

(2) distances to eligible services;

(3) selection of eligible businesses for motorist information signing;

(4) location of motorist information signs at interchanges or intersections, in accordance with federal standards;

(5) standards for the size, design, installation, and maintenance of motorist information signs; and

(6) the costs to businesses for installation, annual maintenance, and repair of business signs.

It is intended that the department establish service eligibility requirements with the knowledge that in the rural vastness of this state it is important for a traveler to obtain information about available services, even if the full range of services contemplated by federal guidelines is not available. The department may provide a method for the substitution or replacement of services that are not available at a location, and it may establish some method of signing to indicate to the traveler that a particular service category is not available at the signed businesses.

It is intended that the department may require additional terms and conditions relating to issuance of a franchise for operation of the motorist information sign

continued

BEST COPY AVAILABLE

program. Such additional requirements may relate to termination of a franchise agreement and to the posting of a contractor's bond for sign construction and maintenance.

Finally, the department should consider the success of the motorist information sign programs established in the states of Idaho and Washington and the logo sign franchise program established in the state of Minnesota."

2. Page 5, line 7.
Strike: "to ensure"
Insert: "in"
Strike: "23 CFR 655.307"
Insert: "the Manual on Uniform Traffic Control Devices, as amended"

3. Page 5, line 23 through page 6, line 25.
Following: "meet" on line 23
Strike: remainder of line 23 through "facilities" on page 6, line 25
Insert: "standards for "GAS", "FOOD", "LODGING", and "CAMPING" services in rules adopted by the department pursuant to guidelines in the Manual on Uniform Traffic Control Devices, as amended"

4. Page 7, line 20.
Strike: "A"
Insert: "Except as provided by rule, a"

5. Page 8, line 21.
Following: "restaurants,"
Insert: "campgrounds,"

6. Page 10, line 2.
Strike: "adequate public"
Insert: "a"

7. Page 10, line 3.
Following: "facilities"
Insert: "available for public use"

8. Page 11, line 13.
Strike: "established"
Insert: "to be operated by a franchisee"

AND AS AMENDED DO PASS

Signed: _____
Larry J. Tveit, Chairman

W.C. 2/31

scrsb094.202 S.W.

SENATE HIGHWAYS
EXHIBIT NO. 3
DATE 2-2-89
BILL NO. SB94

Amendments to Senate Bill No. 94
First Reading Copy

Requested by Subcommittee
For the Committee on Highways and Transportation

Prepared by Lee Heiman
February 2, 1989

1. Page 1.
Following: line 13
Insert: "

STATEMENT OF INTENT

A statement of intent is required for this bill because section 15 grants the department of highways authority to adopt rules to implement the provisions of [this act].

It is the intent of the legislature that the department have discretion to adopt rules that will result in a motorist information sign program that will aid the traveling public in locating gas, food, lodging, camping, recreation, and other tourist services that are convenientl accessible from the interstate and primary highways within the state. Such rules should supplement and interpret the provisions of [this act].

In adopting rules, the department should develop a policy for installation of motorist information signs. At a minimum, this policy should include criteria for:

(1) standards of service for business eligibility fo placement of a logo sign;

(2) distances to eligible services;

(3) selection of eligible businesses for motorist information signing;

(4) location of motorist information signs at interchanges or intersections, in accordance with federal standards;

(5) standards for the size, design, installation, an maintenance of motorist information signs; and

(6) the costs to businesses for installation, annual maintenance, and repair of business signs.

It is intended that the department establish service eligibility requirements with the knowledge that in the rural vastness of this state it is important for a traveler to obtain information about available services, even if the full range of services contemplated by federal guidelines is not available. The department may provide a method for the substitution or replacement of services that are not available at a location, and it may establish some method of signing to indicate to the traveler that a particular service category is not available at the signed businesses.

It is intended that the department may require additional terms and conditions relating to issuance of a franchise for operation of the motorist information sign program. Such additional requirements may relate to termination of a franchise agreement and to the posting of a

contractor's bond for sign construction and maintenance.

Finally, the department should consider the success of the motorist information sign programs established in the states of Idaho and Washington and the logo sign franchise program established in the state of Minnesota."

2. Page 5, line 7.
Strike: "to ensure"
Insert: "in"
Strike: "23 CFR 655.307"
Insert: "the Manual on Uniform Traffic Control Devices, as amended"

3. Page 5, line 23.
Strike: "the" on line 23 through "facilities." on line 25 of page 6
Insert: "standards for "GAS", "FOOD", "LODGING", and "CAMPING" services in rules adopted by the department pursuant to guidelines in the Manual on Uniform Traffic Control Devices, as amended."

4. Page 7, line 20.
Strike: "A"
Insert: "Except as provided by rule, a"

5. Page 8, line 21.
Following: "restaurants,"
Insert: "campgrounds,"

6. Page 10, line 2.
Strike: "adequate public"
Insert: "a"

7. Page 10, line 3.
Following: "facilities"
Insert: "available for public use"

8. Page 11, line 13.
Strike: "established"
Insert: "to be operated by a franchisee"

54

CHAIRMAN--BARRY STANG
NORMAL SCHEDULE==> SITE: ROOM 317 DAYS: TU,TH TIME: 3:00 P.M.

SECRETARY-CLAUDIA JOHNSON

BILL NO	REFER DATE	HEARING DATE	CONSIDERATION DATES	COMMITTEE ACTION	REREFERRED TO COMM	DATE OUT
SB0057	2/21	2/28		CONCUR		3/01
JENKINS, LOREN			AMEND CUSTOM COMBINERS' TAX			
SB0061	2/21	3/07		CONCUR		3/08
HARP, JOHN			DELETE PERFORMANCE BOND REQUIREMENT FOR HIGHWAY COMMISSIONERS			
SB0062	2/21	3/07		CONCUR		3/15
FARRELL, BILL			GROSS VEHICLE WEIGHT RULEMAKING AUTHORITY GRANTED TO DEPT. OF HIGHWAYS			
SB0072	2/21	2/28		CONCUR		3/01
MEYER, DARRYL			CHANGING ALLOWABLE LENGTHS OF SEMITRAILERS AND VARIOUS VEHICLE COMBINATIONS			
SB0073	2/21	3/07		CONCUR		3/08
MEYER, DARRYL			CORRECTING GVW MAXIMUM FORMULA			
SB0081	2/21	3/07		CONCUR		3/08
PINSONEAULT, DICK			CONTINUE PROVISION PRECLUDING HIGHWAY RESTRICTIONS ON HAULING AGRI. SEEDS			
SB0094	2/21	3/09		CONCUR AS AMENDED		3/15
BENGTSON, ESTHER			MOTORIST INFORMATION SIGN PROGRAM			
SB0098	2/21	3/02		CONCUR		3/08
AKLESTAD, GARY			REQUIRE A TAX-PAID STICKER ON A MOBILE HOME ONLY WHEN MOVING THE MOBILE HOME			
SB0123	2/21	2/28		CONCUR		3/01
BECK, TOM			CANCELLATION OF ERRONEOUS MOTOR VEHICLE CERTIFICATES OF OWNERSHIP			
SB0148	2/21	3/02		TABLED		
HALLIGAN, MIKE			RELINQUISH DRIVER'S LICENSE IN LIEU OF BAIL			
SB0216	2/21	3/02		CONCUR		3/03
MANNING, DICK			FIREFIGHTING VEHICLES ARE NOT COMMERCIAL VEHICLES			

SENATE BILL NO. 94

INTRODUCED BY BENGTSON, KOEHNKE

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A MOTORIST INFORMATION SIGN PROGRAM; AUTHORIZING INSTALLATION AND MAINTENANCE OF MOTORIST INFORMATION SIGNS WITHIN THE RIGHTS-OF-WAY OF INTERSTATE AND PRIMARY HIGHWAYS; ALLOWING THE DEPARTMENT OF HIGHWAYS TO AWARD FRANCHISES TO PRIVATE PERSONS TO ESTABLISH AND OPERATE A MOTORIST INFORMATION SIGN PROGRAM; PROVIDING FOR FEES TO COVER THE COSTS OF THE PROGRAM; GRANTING RULEMAKING AUTHORITY; AMENDING SECTIONS 60-5-110 AND 75-15-111, MCA; AND PROVIDING AN EFFECTIVE DATE."

STATEMENT OF INTENT

A statement of intent is required for this bill because [section 15] grants the department of highways authority to adopt rules to implement the provisions of [this act].

It is the intent of the legislature that the department have discretion to adopt rules that will result in a motorist information sign program that will aid the traveling public in locating gas, food, lodging, camping, recreation, and other tourist services that are conveniently accessible from the interstate and primary highways within the state. Such rules should supplement and interpret the provisions of [this act].

In adopting rules, the department should develop a policy for installation of motorist information signs. At a minimum, this policy should include criteria for:

(1) standards of service for business eligibility for placement of a logo sign;

(2) distances to eligible services;

(3) selection of eligible businesses for motorist information signing;

(4) location of motorist information signs at interchanges or intersections, in accordance with federal standards;

(5) standards for the size, design, installation, and maintenance of motorist information signs; and

(6) the costs to businesses for installation, annual maintenance, and repair of business signs.

It is intended that the department establish service eligibility requirements with the knowledge that in the rural vastness of this state it is important for a traveler to obtain information about available services, even if the full range of services contemplated by federal guidelines is not available. The department may provide a method for the substitution or replacement of services that are not available at a location, and it may establish some method of signing to indicate to the traveler that a particular

service category is not available at the signed businesses.

It is intended that the department may require additional terms and conditions relating to issuance of a franchise for operation of the motorist information sign program. Such additional requirements may relate to termination of a franchise agreement and to the posting of a contractor's bond for sign construction and maintenance.

Finally, the department should consider the success of the motorist information sign programs established in the states of Idaho and Washington and the logo sign franchise program established in the state of Minnesota.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Purpose.** It is the purpose of [sections 1 through 17] to provide for the installation of motorist information signs giving specific information of interest to the traveling public regarding motorist services that are conveniently accessible from the interstate and primary highways within the state.

NEW SECTION. **Section 2. Definitions.** As used in [sections 1 through 17], unless the context indicates otherwise, the following definitions apply:

(1) "Business sign" means a separately attached sign mounted on a motorist information sign panel to show the brand, symbol, trademark, or name, or combination of these,

for a motorist service available on a crossroad at or near an interchange or intersection.

(2) "Crossroad" means a marked route or other public road intersecting a freeway or divided highway for which access is provided at an interchange or intersection.

(3) "Department" means the department of highways provided for in 2-15-2501.

(4) "Franchisee" means a person awarded a franchise as provided in [section 12].

(5) "Motorist information sign" means a rectangular sign panel located in the same manner as other official traffic signs, readable from the main traveled way, and that is a:

(a) specific information sign; or

(b) tourist-oriented directional sign.

(6) "Motorist service" means gas, food, lodging, camping, recreation, and other tourist services.

(7) "Specific information sign" means a motorist information sign that is located on the interstate highway system and that contains:

(a) the words "GAS", "FOOD", "LODGING", or "CAMPING";

(b) directional information; and

(c) one or more individual business signs.

(8) "Tourist-oriented directional sign" means a motorist information sign located on the primary highway

system to provide:

(a) business identification; and

(b) directional information for businesses, services, and activities of interest to tourists.

NEW SECTION. **Section 3. Specific information signs within right-of-way of interstate highway system.** Specific information signs may be erected and maintained within the right-of-way of the interstate highway system to give the traveling public specific information as to motorist services available on a crossroad at or near an interchange.

NEW SECTION. **Section 4. Specific information signs -- number of business signs -- distances.** (1) The number of specific information signs permitted is limited to one for each type of motorist service along an approach to an interchange or intersection.

(2) No more than six business signs may be displayed on a "GAS" specific information sign, and no more than four business signs may be displayed on a "FOOD", "LODGING", or "CAMPING" specific information sign. Except as provided in subsection (3), no business may be allowed more than one business sign on the same specific information sign.

(3) In areas where there are only one or two qualified businesses available for each of two or more types of motorist services, business signs for two types of services may be displayed by a business on the same specific

information sign. No more than two business signs for each type of service may be displayed in combination on a specific information sign.

(4) To qualify for business identification on a specific information sign, a motorist service facility shall meet the eligibility criteria established in [section 6] and may not be located more than 3 miles from the interstate highway. However, if no eligible services are located within the 3-mile limit, the distance limits may be increased in 3-mile increments until either an eligible service or 15 miles is reached.

NEW SECTION. **Section 5. Sign composition -- spacing --conformity with laws.** (1) A specific information sign panel must have a blue background with a white reflectorized border. The panels may be illuminated subject to regulation by the department.

(2) A business sign must have a blue background with a white legend unless other requirements are established by the department. Nationally, regionally, or locally known commercial symbols, brands, or trademarks for service stations, restaurants, and motels must be used when applicable. The symbol, brand, or trademark used on the business sign must be reproduced in the colors and general shape consistent with customary use. Messages, symbols, brands, or trademarks that interfere with or resemble any

official warning or regulatory traffic sign, signal, or device are prohibited.

(3) Specific information signs are permitted only at locations where there is adequate distance between interchanges ~~to ensure~~ IN compliance with ~~23 CFR 655.307~~ THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, AS AMENDED.

(4) The spacing between two specific information sign panels and between specific information sign panels and official traffic control signs must be in accordance with the Manual on Uniform Traffic Control Devices. If there is insufficient space for both official traffic control signs and specific information signs, the official traffic control signs must be installed.

(5) The erection and maintenance of specific information signs must conform to national standards promulgated by the secretary of the U.S. department of transportation pursuant to 23 U.S.C. 131 and 23 U.S.C. 315 and rules adopted by the department under [section 15].

NEW SECTION. **Section 6.** **Business eligibility -- criteria -- restrictions.** (1) To be eligible for placement of a business sign on a specific information sign panel, a business establishment shall meet ~~the following standards for motorist services:~~

~~(a) "GAS" services must:~~

~~(i) provide vehicle services, including fuel, oil, tire repair, and water;~~

~~(ii) be in continuous operation at least 16 hours a day, 7 days a week;~~

~~(iii) provide restroom facilities and drinking water; and~~

~~(iv) have a telephone available for public use;~~

~~(b) "FOOD" services must:~~

~~(i) be licensed by the department of health and environmental sciences as required under 50-50-201;~~

~~(ii) be in continuous operation to serve three meals a day, 7 days a week; and~~

~~(iii) provide telephone and restroom facilities;~~

~~(c) "LODGING" services must:~~

~~(i) be licensed by the department of health and environmental sciences as required under 50-51-201;~~

~~(ii) provide adequate sleeping accommodations; and~~

~~(iii) offer public telephone facilities;~~

~~(d) "CAMPING" services must:~~

~~(i) be licensed by the department of health and environmental sciences and allow inspections by the local health officer, as required under 50-52-103;~~

~~(ii) provide adequate camping and parking spaces; and~~

~~(iii) have modern sanitary and drinking water facilities~~ STANDARDS FOR "GAS", "FOOD", "LODGING", AND "CAMPING" SERVICES IN RULES ADOPTED BY THE DEPARTMENT

PURSUANT TO GUIDELINES IN THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, AS AMENDED.

(2) (a) Each business identified on a specific information sign shall provide assurance of its conformity with all applicable laws concerning the provision of public accommodations without regard to race, color, sex, culture, social origin or condition, or political or religious ideas.

(b) If such a business violates any of these laws, it loses eligibility for business identification on a specific information sign.

(3) No business that owns or advertises on any outdoor advertising structure in violation of the provisions of Title 75, chapter 15, part 1, may be eligible for business identification on a specific information sign.

NEW SECTION. **Section 7.** **Tourist-oriented directional signs within right-of-way of primary highway system.** (1) Tourist-oriented directional signs may be erected and maintained within the right-of-way of the primary highway system to provide information to the traveling public concerning motorist services accessible from the primary highway system by way of an intersecting highway.

(2) A EXCEPT AS PROVIDED BY RULE, A tourist-oriented directional sign may not be erected if the place of business is readily visible from the main-traveled roadway.

NEW SECTION. **Section 8.** **Tourist-oriented directional signs -- number of business signs -- distances.** (1) The number of tourist-oriented directional signs is limited to three signs on an approach to an intersection.

(2) No more than four business signs may be installed on a tourist-oriented directional sign.

(3) To qualify for business identification on a tourist-oriented sign, a business shall meet the eligibility criteria established in [section 10] and may not be located more than 5 miles from the primary highway, except as otherwise permitted by the department if no eligible business is located within the 5-mile limit.

NEW SECTION. **Section 9.** **Sign composition -- design -- conformity with standards and rules.** (1) A tourist-oriented directional sign must be rectangular in shape and must have a white legend and border on a blue background.

(2) A tourist-oriented directional sign may contain standard general service symbols to indicate a class of business, service, or activity.

(3) Business signs for specific businesses, services, and activities may be installed on a tourist-oriented directional sign. Nationally, regionally, or locally known commercial symbols, brands, or trademarks for service stations, restaurants, CAMPGROUNDS, and motels must be used when applicable. Such commercial symbols, brands, and trademarks must be reduced to an appropriate size. No

business sign may resemble any official warning or regulatory traffic sign, signal, or device.

(4) A tourist-oriented directional sign may contain no more than two lines of legend, including no more than one business sign, a separate directional arrow, and the distance to the specific business, service, or activity.

(5) The content of the legend must be limited to the identification of the business, service, or activity. The legend may not include promotional advertising.

(6) The legends, arrows, and business signs displayed on a tourist-oriented directional sign may be reflectorized.

(7) The erection and maintenance of tourist-oriented directional signs must conform to national standards promulgated by the U.S. secretary of transportation pursuant to 23 U.S.C. 131 and 23 U.S.C. 315 and rules adopted by the department under [section 15].

NEW SECTION. **Section 10.** Business eligibility -- criteria -- restrictions. (1) To be eligible for business identification on a tourist-oriented directional sign, a business establishment shall meet the following standards for a business, service, or activity:

(a) Gas, food, lodging, and camping services must:

(i) be licensed and approved by the state and local agencies regulating the particular type of business;

(ii) provide an acceptable level of service to the

public;

(iii) be in continuous operation at least 8 hours a day, 5 days a week, including Saturday or Sunday; and

(iv) have ~~adequate--public~~ A telephone and restroom facilities AVAILABLE FOR PUBLIC USE.

(b) Recreation services must:

(i) be licensed and approved by state and local agencies as required by law;

(ii) provide to families and the public activities of interest in which people participate for purposes of physical exercise, collective amusement, or enjoyment of nature. Such activities may include hiking, golfing, skiing, boating, swimming, picnicking, fishing, and horseback riding.

(c) Tourist services must:

(i) be licensed as required by law;

(ii) be open to the public at least 8 hours a day, 5 days a week, including Saturday or Sunday, during the normal tourist season; and

(iii) provide a natural, recreational, historical, cultural, educational, or entertainment activity or a unique or unusual commercial or nonprofit activity, from which the major portion of income or visitors is derived during normal business seasons from motorists not residing in the immediate area of the activity.

(2) (a) Each business identified on a tourist-oriented directional sign shall provide assurance of its conformity with all applicable laws concerning the provision of public accommodations without regard to race, color, sex, culture, social origin or condition, or political or religious ideas.

(b) If a business violates any of these laws, it loses eligibility for business identification on a tourist-oriented directional sign.

(3) No business that owns or advertises on any outdoor advertising structure in violation of the provisions of Title 75, chapter 15, part 1, may be eligible for business identification on a tourist-oriented directional sign.

NEW SECTION. **Section 11. Motorist information sign program -- department.** There is a motorist information sign program ~~established~~ TO BE OPERATED BY A FRANCHISEE under the general supervision and control of the department.

NEW SECTION. **Section 12. Franchises.** (1) The department may grant a franchise by public negotiation or bid to qualified persons to establish and operate the motorist information sign program authorized under [section 11].

(2) A franchisee shall furnish, install, maintain, and replace motorist information signs for the benefit of businesses that provide motorist services for the general public and may lease space on the signs to eligible

businesses.

(3) A franchisee shall comply with the provisions of [sections 1 through 10] and any other applicable state and federal laws and regulations.

NEW SECTION. **Section 13. Contract requirements.** All contracts made between the department and a franchisee must provide for:

(1) a requirement that the franchisee obtain liability insurance in an amount sufficient to jointly insure the state and the franchisee against all liability for claims for damages occurring wholly or in part because of the franchisee; and

(2) the standards for the size, design, erection, and maintenance that were adopted under [section 15].

NEW SECTION. **Section 14. Costs.** The department shall authorize reasonable fees to cover all costs incurred under the motorist information sign program. Fees must be paid under agreements negotiated between a franchisee and an advertiser unless otherwise provided in the contract between the department and the franchisee.

NEW SECTION. **Section 15. Rulemaking authority.** The department may adopt rules necessary to implement the provisions of [sections 1 through 14].

NEW SECTION. **Section 16. Restrictions.** The department may take no action under [sections 1 through 15] that may

result in the loss to the state of any federal highway construction funds.

NEW SECTION. **Section 17.** **Federal requirements -- conflict and accord.** If the secretary of the U.S. department of transportation finds any part of [sections 1 through 16] to be in conflict with federal requirements that are prescribed as a condition to the allocation of federal funds to the state, the conflicting part of [sections 1 through 16] is invalid only to the extent of the conflict and such finding may not affect the operation of the remainder of [sections 1 through 16] in its valid applications.

Section 18. Section 60-5-110, MCA, is amended to read:

"**60-5-110. Commercial enterprise or structure prohibited -- exception.** No Except as provided in [section 12], no commercial enterprise or structure shall be constructed or operated on the publicly owned right-of-way of a controlled-access highway or facility or on any publicly leased land used in connection therewith."

Section 19. Section 75-15-111, MCA, is amended to read:

"**75-15-111. Outdoor advertising prohibited in proximity to highway -- exceptions.** (1) Outdoor advertising may not be erected or maintained which is within 660 feet of the nearest edge of the right-of-way and which is visible from any place on the main-traveled way of an interstate or

primary system except:

(a) directional and other official signs and notices, which signs and notices include but are not limited to signs and notices pertaining to natural wonders and scenic and historical attractions, as authorized or required by law;

(b) signs, displays, and devices advertising the sale or lease of property upon which they are located;

(c) signs, displays, and devices advertising activities conducted on the property upon which they are located;

(d) signs, displays, and devices located in areas which are zoned industrial or commercial by a bona fide state, county, or local zoning authority;

(e) signs, displays, and devices located in unzoned commercial or industrial areas, which areas shall be determined from actual land uses and by agreement between the department of highways and the secretary and defined by rules adopted by the commission. The exception granted by this subsection shall not apply to signs, displays, and devices located within an unzoned area in which the commercial or industrial activity used in defining the area has ceased for a period of 9 months.

(f) signs or displays advertising the cultural exhibits of nonprofit historical or arts organizations if the signs or displays conform with the standards provided in

Title 23, Code of Federal Regulations, section 750, subpart B~~.~~; or

(g) signs that are consistent with the policy of this state and with the national policy set forth in 23 U.S.C. 131 and the regulations promulgated thereunder and that are designed to provide information in the specific interest of the traveling public as provided in [sections 3 through 5, 7 through 9, 11, and 12].

(2) Outdoor advertising authorized under subsections (a), (d), and (e) of (1) of this section shall conform with standards contained in and shall bear permits required in rules which are adopted by the commission and this part.

(3) Outdoor advertising may not be erected or maintained beyond 660 feet of the nearest edge of the right-of-way of an interstate or primary highway outside of an urban area if such outdoor advertising is or was erected with the purpose of its message being read from such main-traveled way and visible from such main-traveled way unless such outdoor advertising meets the criteria of subsections (a), (b), or (c) of (1) of this section. Should such outdoor advertising meet said criteria, it shall conform with standards contained in rules which are adopted by the commission and this part."

NEW SECTION. **Section 20.** Effective date. [This act] is effective July 1, 1989.

-End-

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAYS AND TRANSPORTATION

Call to Order: By Chairman Stang, on March 9, 1989, at 3:00 p.m.

ROLL CALL

Members Present: All with exception of:

Members Excused: Rep. Harrington

Members Absent: None

Staff Present: Paul Verdon, Researcher
Claudia Johnson, secretary

Announcements/Discussion: None

HEARING ON HOUSE BILL 709

Presentation and Opening Statement by Sponsor:

Rep. Hanson, House District 100, stated that HB 709 is a backup bill for an impact road. Rep. Hanson said this money is an appropriation but stated it needed to be heard in the Highways Committee. Rep. Hanson stated this is a secondary road is near the Spring Creek Coal Mine in the Decker community. Rep. Hanson stated that there are 14 miles of road that is still gravel. She stated that the $2.8 million combined with the $2.6 million that Big Horn County has available will do the total road. Rep. Hanson stated it is ironic that they formerly had 600 semiloads of Montana coal transported over this road each year and today most of that coal is coming out of Wyoming on the interstate, but it is still being contracted in Montana, but is not coming from Montana mines.

Testifying Proponents and Who They Represent:

Marilyn Ferguson, Resident of Kirby, Mt.
Rusty Rokita, Rep. Big Horn County Board of Commissioners
Tom Ebzery, Attorney, Nerco, Inc.
Sen. Manning,
James Mockler, Exec. Dir. Mt. Coal Council

Proponent Testimony:

Ms. Ferguson stated she has driven over this road for years and when she went to town to purchase her plane ticket to be

Closing by Sponsor: Rep. Hanson closed stating she had figures showing that there are other projects. Rep. Hanson stated the $2.8 million in this bill is at the top of the list. Rep. Hanson stated the money is available and asked the Committee's support for HB 709. Rep. Hanson asked that the Committee delay executive action to see what the Committee on Appropriations does.

HEARING ON SENATE BILL 94

Presentation and Opening Statement by Sponsor:

Senator Bengtson, Senate District 49, stated this bill is a program that allows the State Highway Dept. to let out for bids to a franchise to put logo signs on the interstate. Sen. Bengtson stated in another part of the bill it allows for an informational directional sign. The program is intended to provide to be a motorist's information and is not designed for advertising. This bill is to get the traveling motorist off of the highway to spend time and money in Montana. Sen. Bengtson stated the new manual put out by the Federal Government in January has allowed for a lot more flexibility and the mom and pop businesses are using it throughout the country. Sen. Bengtson stated that the charge for each logo runs between $85 to $100 per month. Sen. Bengtson said the tourism dept. conducted a survey throughout Montana and has received a very positive report by the businesses in Montana. See Exhibit 3.

Testifying Proponents and Who They Represent:

Gary Wallrack, Helena Sign Works
Al Donahue, Chairman of Advisory Council
Ron Prout, Publisher of Travel Host Magazine
John Wilson, Administrator of the Mt. Promotion Div., Dept. of Commerce
Rob Morwick, Missoula Chamber of Commerce
Rep. Francis Koehnke
Bonnie Tippy, Mt. Innkeepers Assoc.
Elmer Frame, Missoula campground owner
Lawrence Smith, Co Owner of KOA campground in Great Falls
Don Ingels, Montana Chamber of Commerce

Proponent Testimony:

Mr. Wallrack stated that SB 94 is a very important link in directing tourists to businesses of Montana. Mr. Wallrack stated one of the largest sources of revenue for lodging, food and fuel is the trucking industry and it cannot be estimated how many dollars in fuel is lost because the motorist does not know it is there. The University of Montana did a tourist survey that showed how vital the program is to Montana. Mr. Wallrack stated that the bids will be solicited from private companies, the program will

be awarded to a private company. The construction and installation will be done by a private company, and that alone is estimated at $1 million for the interstate. Mr. Wallrack stated that the program will be paid for by the fees of the services provided. The 34 states have implemented this program and it is a proven fact that the tourist looks for these signs. Mr. Wallrack stated it will create at least 18 new private jobs in Montana and a cash flow.

Mr. Donahue stated this bill will bring the tourist in off the highway into the local community. Mr. Donahue stated the bed tax has risen 14 percent in the last year which shows an increase in tourism and a total of about $4 million in the bed tax to use for tourism.

Mr. Prout stated the average tourist is 50-64 years of age, middle income with some college education. Some of them are retired and have an annual income in excess of $40,000 per year and spend an average of $71 a day. Fifty-one percent were on vacation, twenty-seven percent visiting family and friends, and thirty-four percent stated they were just passing through. Mr. Prout stated when you use a national logo there is a familiarity that the motorists watch for. See Exhibit 4.

Mr. Wilson stated the last Legislature directed the dept. to complete a state wide inventory of highway signs in HB 607, and develop a comprehensive plan for a system of highway signs. Mr. Wilson stated that has been done and gave a synopsis of the options available to improve highway signing. See Exhibit 5.

Mr. Morwick stated the Chambers supports the concept of logo signs on the highways and urged the Committee's support for SB 94.

Representative Koehnke urged the Committee's support for SB 94.

Ms. Tippy stated that it seems like Montana draws closer every year to becoming a first class tourist destination site and urged the Committee's support in the passage of SB 94.

Mr. Frame stated as owner of a campground he asked the Committee to recommend approval of SB 94. See Exhibit 6.

Mr. Smith stated that there is no doubt that tourists are directed into the businesses by signs along the highway and urged the Committee's support of SB 94.

Mr. Ingels added his and the departments support for SB 94.

Testifying Opponents and Who They Represent:

Tom Harrison, Myhre Advertising

Opponent Testimony:

Mr. Harrison stated he has a few concerns with SB 94. 1) The Mom and Pop business compared to the Motel 6 or McDonalds compared to Dixies. 2) The signs may only advertise businesses within three miles of the interstate. 3) The bill discriminates against businesses open less than the required number of hours, 4) Service stations cannot advertise under federal regulations unless they have tire service, and a restaurant that does not serve breakfast cannot advertise. Mr. Harrison stated as a fair chance for businesses it leaves the main businesses out in these small towns in Montana. See Exhibit 7.

Questions From Committee Members: Rep. Roth asked Mr. Wallrack if he anticipated that his company would become one of the franchisees? Mr. Wallrack stated he did.

Rep. Roth asked Mr. Wallrack to explain to him how this is not advertising when a business has a logo on one of these signs? Mr. Wallrack gave an example of a billboard for $600 and 12 miles out, a family driving on the highway observes the sign that says swimming pool, sauna, French Quarter bar, lounge and best motel around for 50 miles, Mr. Wallrack stated that is advertising, another family on the highway comes to an exit sees the logo of the sign proposed in this bill that is just informational, it cannot state what they have, just that it is there.

Rep. Roth asked Mr. Wallrack if the fee paid for by the businesses is a fixed fee? Mr. Wallrack replied they took written proposals from all the sign companies that wanted to be in the program and the ones they picked were consistent in their price for at least five years which averaged about $96 per sign or about 1/6 the cost of the bill board.

Rep. Roth asked Mr. Wallrack how they will pick the businesses to put on the signs? Mr. Wallrack said it has been discussed in other states that it could be: 1) First come first serve per legal notice in the paper; or 2). Pick from a hat. Mr. Wallrack stated that Oregon picks theirs on closeness to the interstate exit and Idaho gets around the service station for tire repair by furnishing a jack, a tire change kit available, and a call list provided for a one hour service.

Rep. Stang asked Mr. Unsworth if the federal regulations have been changed enough from last session for the Ma and Pa operations and Superamericas that they could qualify for these? Mr. Unsworth replied that the federal rules have been relaxed recently and that is the reason for the change of the language in the bill.

Beate Galda commented that the language has been changed to

"should" so you are not directing motorist to a place of service that might be open and might not.

Rep. Stang asked Ms. Galda if the dept. felt the federal regulation for guidelines were loose enough that the dept. can make the decisions without the federal government coming in and making them change the sign or take away the federal money? Ms. Galda replied that as long as the dept. uses the provisions that have "should" standards and change them on recent basis the federal government would not have any complaints.

Rep. Roth asked Mr. Unsworth how many people would be employed on the project through the dept., and if so has there been any preliminary work on the regulations? Mr. Unsworth replied that preliminary work has been done along with the bill two years ago since than there has been significant changes. The dept. through the traffic unit has been interested in following this program through the association of the highway officials. Mr. Unsworth stated a lot of the specific details have not been worked out at this time.

Rep. Bachini asked Mr. Unsworth about the effective date and if they would be able to take off with this immediately? Mr. Unsworth stated the fiscal note is written with the assumption that it would be ready in a year.

Closing by Sponsor: Rep. Bengtson closed stating this bill originated because of all the traveling her family does. Sen. Bengtson said this bill brings money into the State, the federal regulations have relaxed for flexibility for smaller businesses. Sen. Bengtson stated since this January of 1989 the federal regulations have changed from four logos to six logos and urged the Committee's support for the passage of SB 94.

HEARING ON SENATE BILL 242

Presentation and Opening Statement by Sponsor:

Senator Harp, Senate District 4 stated that SB 242 is a request from the Dept. of Highways to conform with the recent change of the Relocation Assistance Act of 1986. Recently the Dept. of Transportation has issued a warning to the dept. that unless the current law is changed to repeal some of the provisions on relocation assistance for real property and acquisition, Montana will lose federal funding.

Testifying Proponents and Who They Represent:

Beate Galda, Dept. of Highways

Proponent Testimony:

Ms. Galda distributed a handout from the Federal Highway

Administration of the Governor which states changes on relocation changes. See Exhibit 8. Ms. Galda stated there are two relocation bill acts presently in Montana: 1) Montana Highway projects which went into effect in 1969, and 2) since 1971 the fair treatment of another one for different federal agency projects. In 1987 Congress comprehensively amended the relocation assistance provisions by liberalizing them by the types of fees and people that are affected by the relocation. See Exhibit 9.

Testifying Opponents and Who They Represent:

None

Opponent Testimony:

None

Questions From Committee Members: Rep. Stang asked Ms. Galda to explain the relocation process? Ms. Galda stated it is the purchasing of property which includes a house, e.g., if putting in an interchange, the owner is entitled to the fair market value of the property under Montana law and in addition if it is federally funded project the owner is also entitled to relocation assistance, e.g., moving expenses, rent while looking for a new home, or the difference if a rental for 3½ years, business expenses, advertising expenses for setting up in a new location, and kind of an expense that is caused by the federal program and having to spend money they wouldn't be spending otherwise.

Closing by Sponsor: Sen. Harp closed.

HEARING ON SENATE BILL 402

Presentation and Opening Statement by Sponsor:

Senator Harp, Senate District 4, opened stating this bill is an act to eliminate the PSC authority to order installation of signals at railroad crossings. Sen. Harp stated the bill also authorizes the Highway Dept. to prioritize the expenditures of funds on railroad crossings and provides for a public hearing. Sen. Harp stated he has been approached by MRL, Burlington Northern, PSC and Dept. of Highways and this would authorize the Highway Commission to set priorities and would repeal the authority of the PSC to order the installation of a signal. Sen. Harp stated this would give the Board of Commissioners in any county where a signal would be located the right to conduct a public hearing for input and safety concerns.

Testifying Proponents and Who They Represent:

Wayne Budt, Administrator of Transportation Division, PSC
Beate Galda, Dept. of Highways

DAILY ROLL CALL

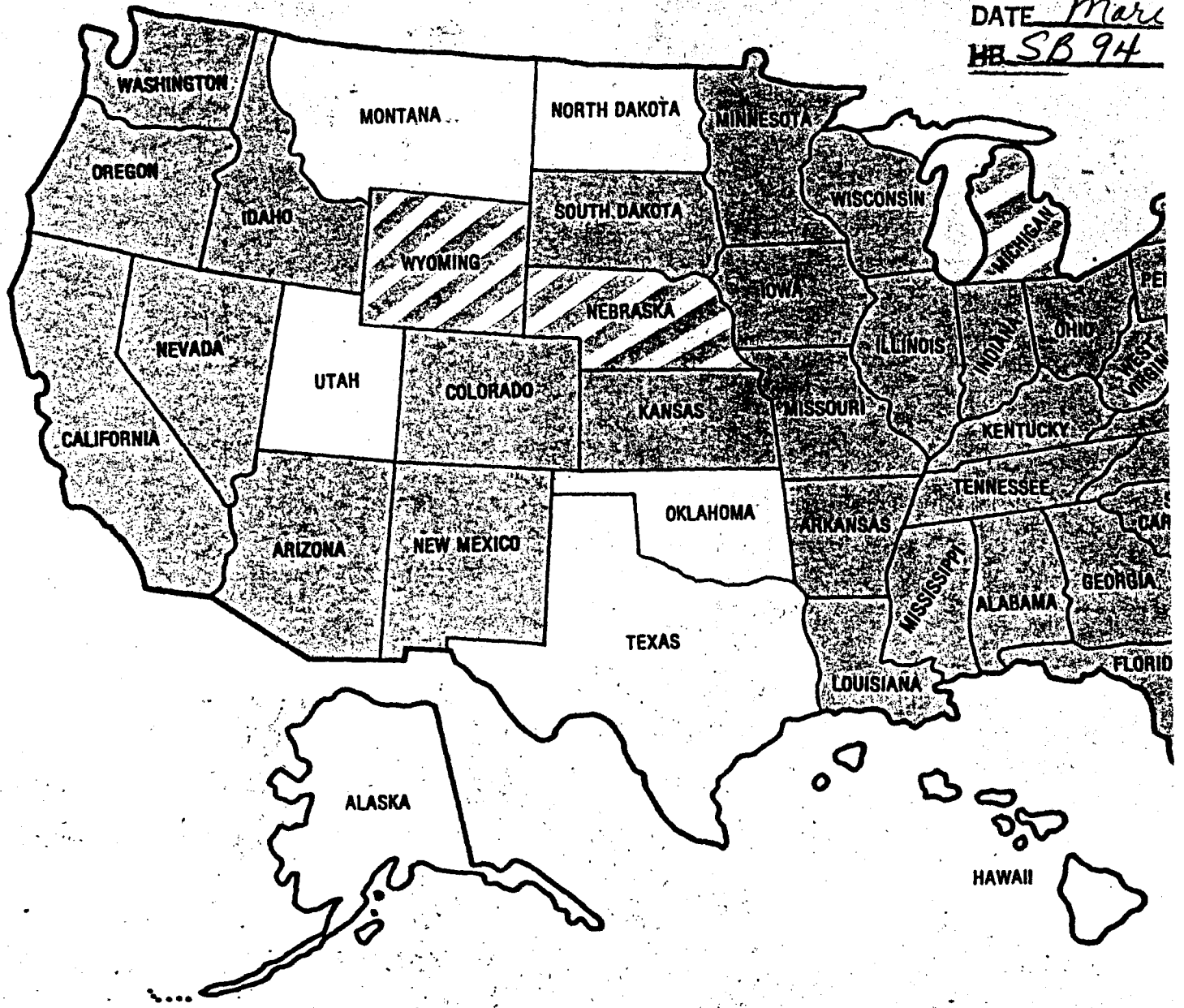
HIGHWAYS AND TRANSPORTATION COMMITTEE

51st LEGISLATIVE SESSION -- 1989

Date March 9

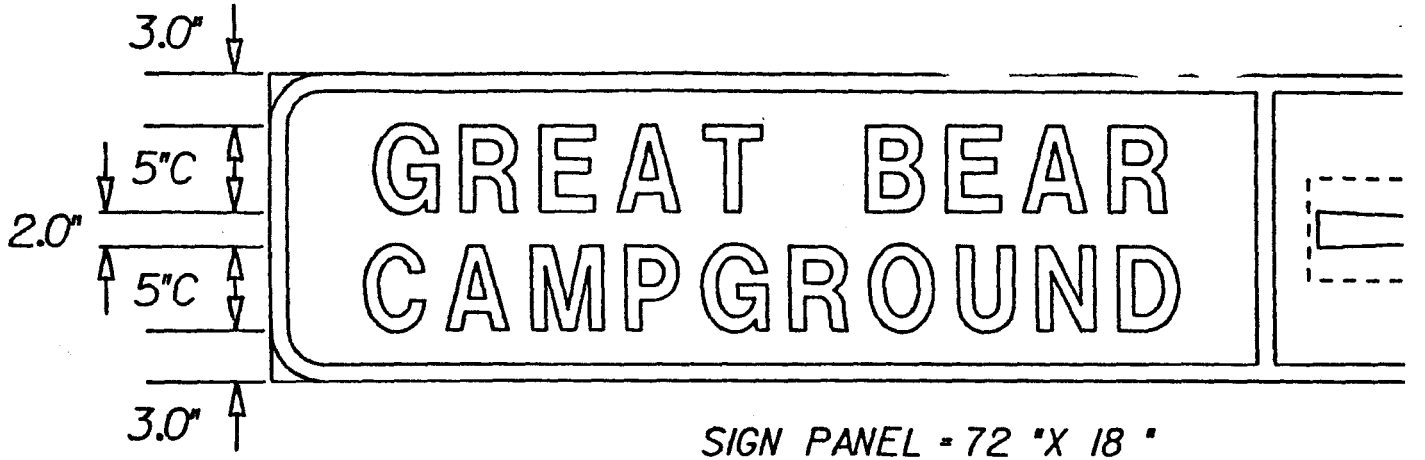
NAME	PRESENT	ABSENT	EXCUSED
Chairman Stang, Barry "Spook"	✓		
Vice Chairman Linda Nelson	✓		
Rep. Bachini, Bob	✓		
Rep. Davis, Ervin	✓		
Rep. Harrington, Dan			✓
Rep. O'Connell, Helen	✓		
Rep. Steppler, Don	✓		
Rep. Westlake, Vernon	✓		
Rep. Aafedt, Ole	✓		
Rep. Campbell, Bud	✓		
Rep. Clark, Robert	✓		
Rep. Owens, Lum	✓		
Rep. Patterson, John	✓		
Rep. Roth, Rande	✓		
Rep. Zook, Tom	✓		

EXHIBIT 4
DATE Mar
~~HB~~ SB 94

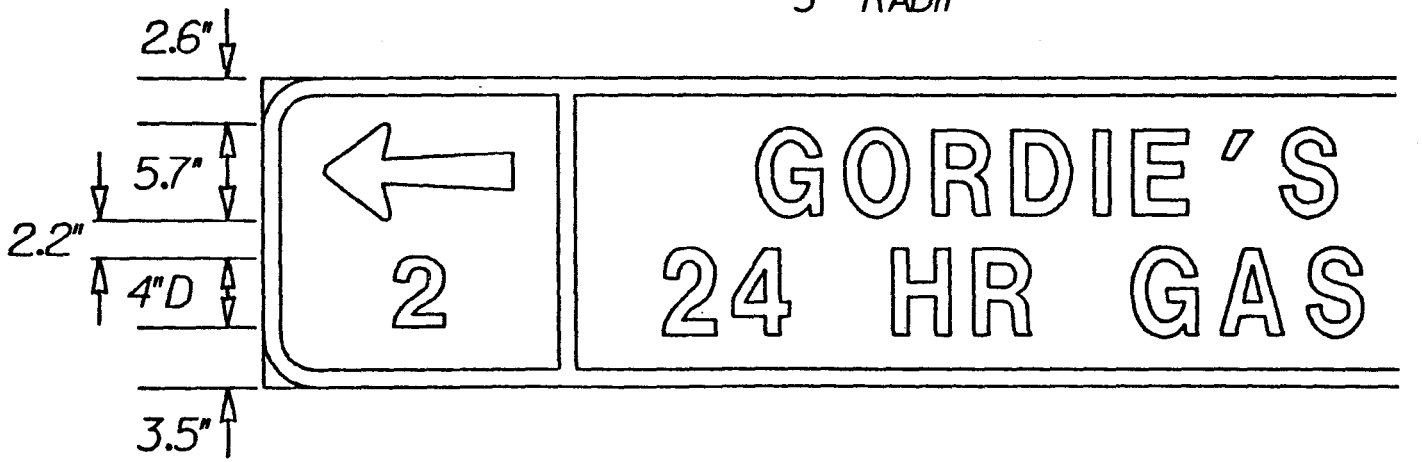


"CLOSED" PANEL SHALL COVER DIRECTIONAL ARROW.
COLOR - WHITE ON BLUE. FULLY REFLECTORIZED.
PANEL = 12" X 6"

CLO



SIGN PANEL = 72" X 18"
1" BORDER
3" RADII



COLOR - WHITE LEGEND AND BORDER ON BLUE BACKGROUND, FULLY REFLECTORIZED.

NO DISTANCE SHOWN IF LESS THAN 1 MILE.

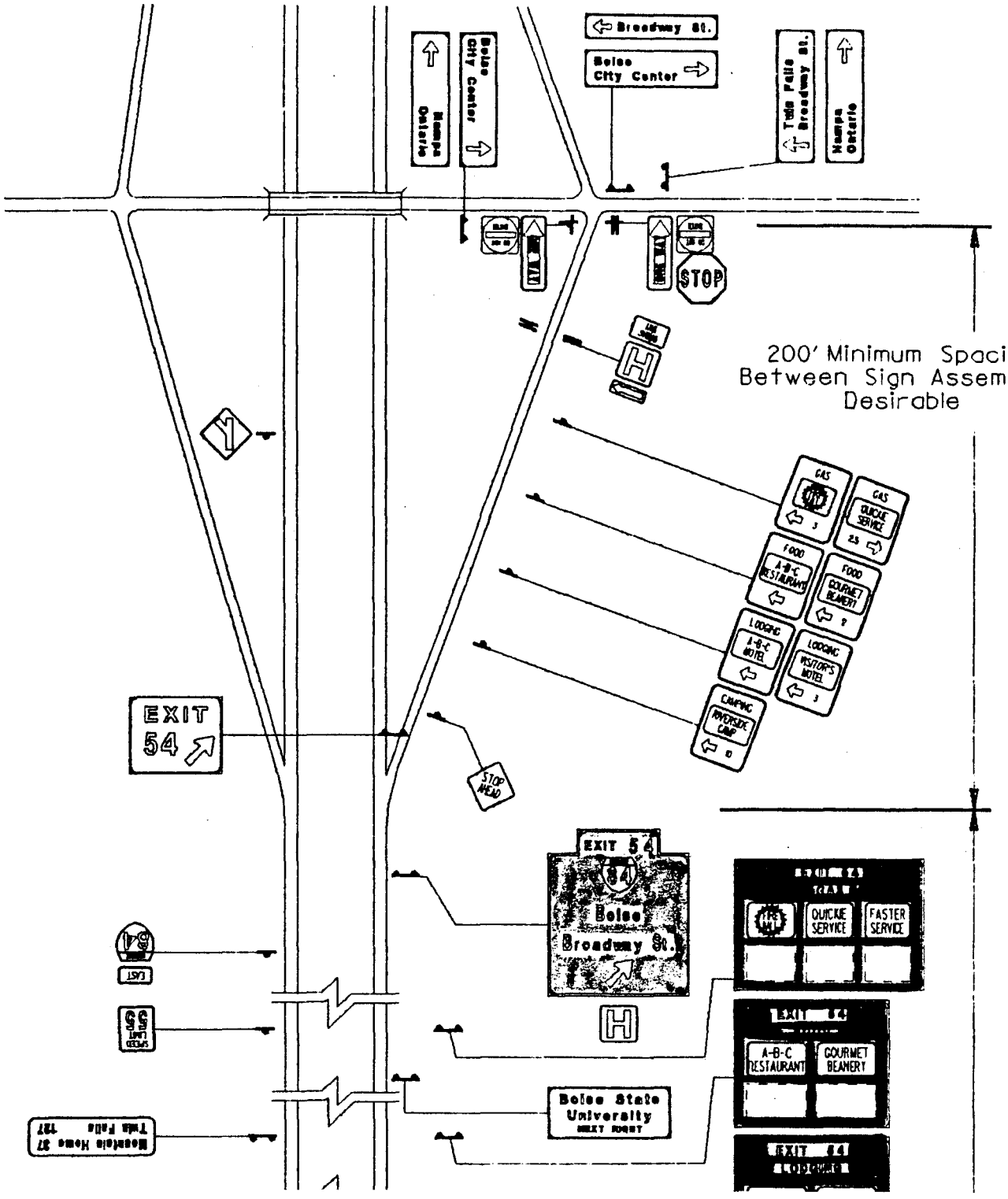
ARROW = 1

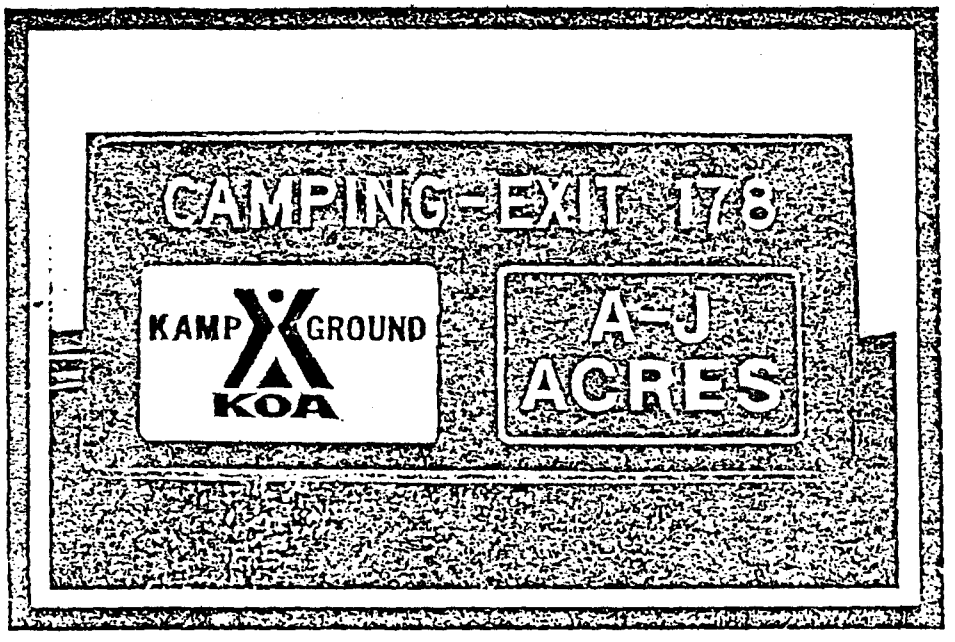
(21)

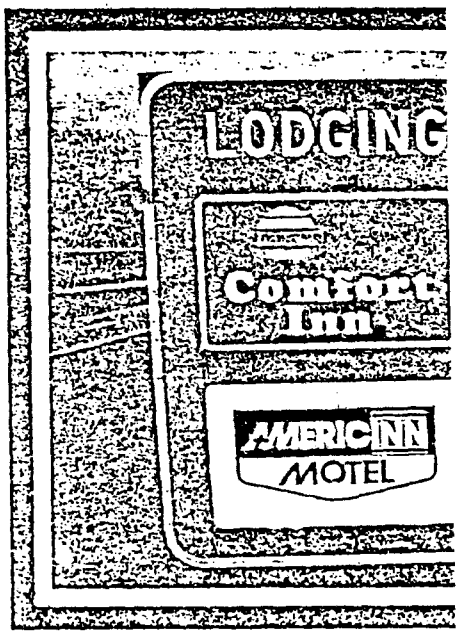
Ben

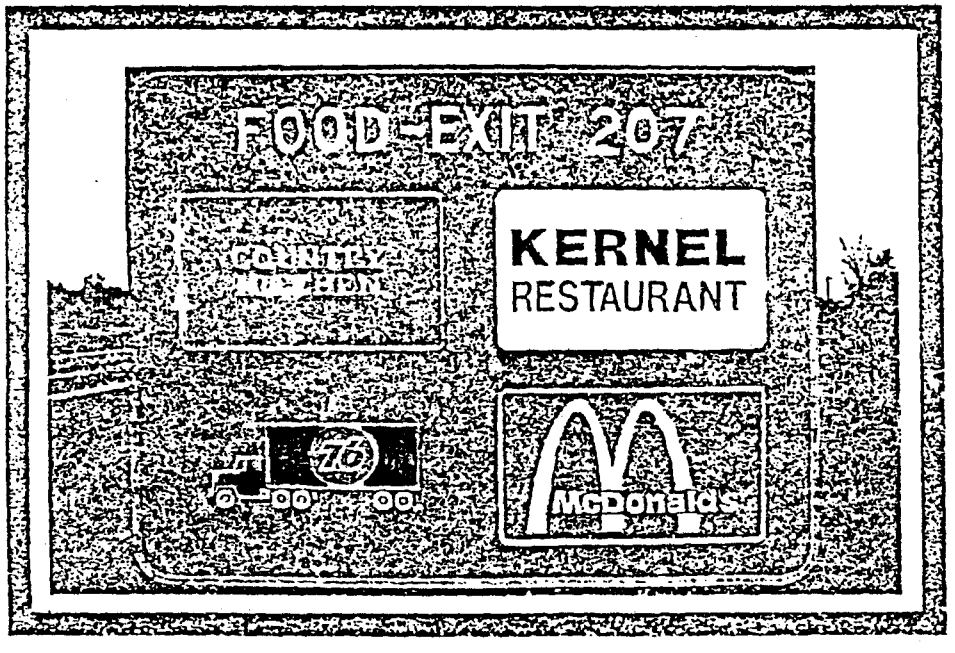
6

23


Broadway St.
Boise City Center
Twin Falls Broadway St.
Nampa Ontario
Boise City Center
Nampa Ontario
STOP
200' Minimum Spacing Between Sign Assemblies Desirable
GAS
GAS QUICKIE SERVICE
FOOD A-B-C RESTAURANT
FOOD GOURMET BEANERY
LODGING A-B-C MOTEL
LODGING VISITOR'S MOTEL
CAMPING RIVERSIDE CAMP
EXIT 54
STOP AHEAD
EXIT 54
84
Boise
Broadway St.
QUICKIE SERVICE
FASTER SERVICE
EXIT 54
A-B-C RESTAURANT
GOURMET BEANERY
Boise State University
EXIT 84


CAMPING - EXIT 178
KAMP GROUND
KOA
A-J
ACRES


LODGING
Comfort Inn
AMERICINN
MOTEL


FOOD - EXIT 207
KERNEL
RESTAURANT
76
McDonald's

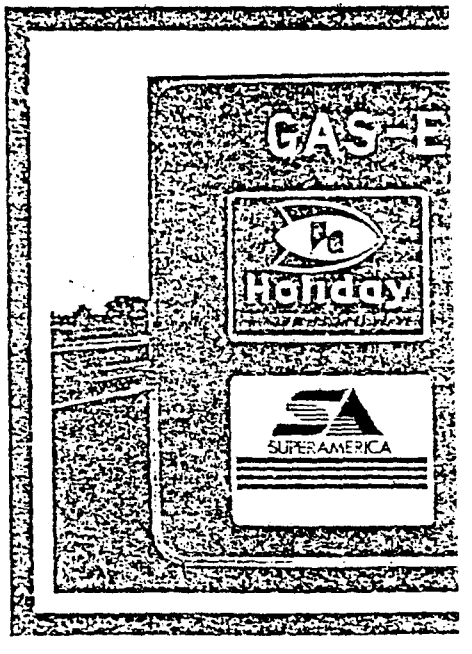

GAS
Holiday
SUPERAMERICA

EXHIBIT 5
DATE March 9
SB 94

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE - FOR THE RECORD MY NAME IS JOHN WILSON, ADMINISTRATOR OF THE MONTANA PROMOTION DIVISION OF THE DEPARTMENT OF COMMERCE.

THE LAST LEGISLATURE PASSED HB 607 WHICH DIRECTED THE DEPARTMENT OF COMMERCE TO COMPLETE A STATEWIDE INVENTORY OF HIGHWAY SIGNS AND DEVELOP A COMPREHENSIVE PLAN FOR A SYSTEM OF HIGHWAY SIGNS. WE HAVE COMPLETED THAT TASK AND YOU HAVE BEFORE YOU OUR RECOMMENDATIONS.

HIGHWAY SIGNING IS HIGHLY REGULATED AND USUALLY FOR GOOD REASONS. THE FEDERAL GOVERNMENT PROMULGATES THE LION'S SHARE OF THE REGULATIONS.

BE THAT AS IT MAY, THERE ARE A NUMBER OF OPTIONS AVAILABLE TO THE STATE TO IMPROVE ITS HIGHWAY SIGNING WITHIN THE PURVIEW OF THOSE REGULATIONS. OUR REPORT OUTLINES TEN SPECIFIC THINGS THE STATE CAN DO TO ENHANCE OUR INTERSTATE, PRIMARY AND SECONDARY SIGNING.

TWO OF OUR RECOMMENDATIONS DEAL WITH THE BILL YOU HAVE BEFORE YOU (SB 94). AFTER PUBLIC OPINION POLLING (AAA AND BUSINESSES)

OUR REASONS ARE AS FOLLOWS:

1) THEY BOTH PROVIDE A PRINCIPLE SERVICE OF GIVING THE TRAVELER NEEDED DIRECTION.

2) THE TOURIST-ORIENTED DIRECTIONAL SIGNS ARE A PRO-BUSINESS DEVELOPMENT BY MAKING VISITORS AWARE OF OPPORTUNITIES, THEREBY POTENTIALLY LENGTHENING THEIR STAY.

3) THEY BOTH SOLVE PROBLEMS FOR THE PRIVATE SECTOR BY PROVIDING SIGNING OPPORTUNITIES WHERE NONE EXIST.

4) BOTH ARE TASTEFUL AND WILL NOT DETRACT FROM MONTANA'S BEAUTY.

5) BOTH CAN BE ACCOMPLISHED AT LITTLE OR NO COST TO THE STATE.

6) 32 OUT OF 50 STATES HAVE SUCESSFULLY ADOPTED THE LOGO PROGRAM. IT'S NOT AN ISSUE THAT IS GOING TO GO AWAY.

FOR THESE REASONS, WE BELIEVE ADOPTION OF SB 94 WOULD BE

March 9, 1985

WITNESS STATEMENT

NAME ELMER FRAME BILL NO. SB 94

ADDRESS 3695 TINA Ave

WHOM DO YOU REPRESENT? ~~MONT~~ CAMPGROUND OWNERS OF MONTANA

SUPPORT ✓ OPPOSE _____ AMEND _____

COMMENTS: see exhibit #6

CAMPGROUND OWNER'S ASSOCIATION OF MONTANA

P.O. Drawer A
St. Regis, Montana 59866

President:
Bud McClure '87 - '89
West Glacier KOA
Box 215
West Glacier, MT 599

Vice-President:
Ed Pierce '87 - '89
Campground St. Regis
P.O. Drawer A
St. Regis, MT 59866

Secretary-Treasurer
Ruby Pierce '86 - '8
Campground St. Regis
P.O. Drawer A
St. Regis, MT 59866

Board of Directors:

Don Thiesen '87 - '89
Sunrise Campground
31842 Frontage Road
Bozeman, MT 59715

Bob Rucker '87 - '89
RockyMountain Cmp
Jardine Route, Box 1
Gardiner, MT 59030

Ed Pierce '87 - '89
Campground St.Regis
P.O. Drawer A
St. Regis, MT 59866

Kim Smith '85 - '88
Helena KOA
5820 North Montana
Helena, MT 59601

March 9, 1989

EXHIBIT 6
DATE March 9
~~HB~~ SB 94

House Highways Committee
Representative Stang, Chairman

Members of the Committee:

My name is Elmer Frame. My wife and I own a campground in Missoula. I am here on our behalf and also represent Bud McClure, President of the Campground Owners' Association of Montana (C.O.A.M.).

I respectfully ask that you recommend approval of S.B.94. This legislation is long overdue as a motorist information service. It will allow small campgrounds that cannot afford expensive billboards a chance to tell the highway traveler where to find their businesses.

Although I support the bill as written, I would ask that you add the word "campgrounds" on line 21, page 6. KOA Campgrounds are franchised nationally and headquartered in Montana. They are obligated under the franchise agreement to use standard colors and should be named along with service stations, restaurants, and motels. The attached copy of Page 6 (SB94) shows where the word campgrounds should be inserted.

Campground owners of Montana support this bill as written with the word "campgrounds" added on line 21,page 6. The words "camping" or "campgrounds" appear on line 22, page 1; line 17, page 4; line 21, page 4; line 19, page 5; line 25, page 8; line 23, page 10; and line 22, page 11 (7 times). Therefore, it is apparent that campgrounds are included in the sign program and authorized by the U.S. Department of Transportation.

Respectfully submitted,

Elmer Frame

system to provide:

(a) business identification; and

(b) directional information for businesses, services, and activities of interest to tourists.

NEW SECTION. **Section 3.** Specific information signs within right-of-way of interstate highway system. Specific information signs may be erected and maintained within the right-of-way of the interstate highway system to give the traveling public specific information as to motorist services available on a crossroad at or near an interchange.

NEW SECTION. **Section 4.** Specific information signs -- number of business signs -- distances. (1) The number of specific information signs permitted is limited to one for each type of motorist service along an approach to an interchange or intersection.

(2) No more than six business signs may be displayed on a "GAS" specific information sign, and no more than four business signs may be displayed on a "FOOD", "LODGING", or "CAMPING" specific information sign. Except as provided in subsection (3), no business may be allowed more than one business sign on the same specific information sign.

(3) In areas where there are only one or two qualified businesses available for each of two or more types of motorist services, business signs for two types of services may be displayed by a business on the same specific information sign. No more than
type of service may be di
specific information sign.

(4) To qualify for bu
specific information sign, a
meet the eligibility criteria
may not be located more t
highway. However, if no eligi
the 3-mile limit, the distanc
3-mile increments until ei
miles is reached.

NEW SECTION. **Section 5.**
--conformity with laws. (
panel must have a blue backg
border. The panels may be il
by the department.

(2) A business sign mu
white legend unless other
the department. Nationally,
commercial symbols, brand
stations, restaurants, and
applicable. The symbol,
business sign must be reproc
shape consistent with cus
brands, or trademarks that

EXHIBIT 7
DATE March 9
SB 94

SB 94 FACT SHEET

1. This bill discriminates against in-town business establishments in favor of businesses located along the interstate highways of the state, since "specific information signs' may only advertise businesses within three miles of the interstate, unless no"eligible services" are located within the three mile limit. This bill will particularly discriminate against downtown businesses in Montana's cities.

2. This bill discriminates against in-town business establishments located more than five miles from a primary highway (unless no "qualified" business is located within five miles of the Primary highway) by declaring such businesses as ineligible for advertising on "tourist-oriented directional signs." Once again, this provision of the bill will have a significant impact upon downtown businesses in cities.

3. This bill discriminates against business establishments which are open less than the required number of hours (e.g., gasoline service stations must be in continuous operation at least 16 hours a day, 7 days a week (p. 6, l. 3-4) or do not provide the required range of services (e.g., gasoline service stations must provide tire repair (p.6,l. 1-2), by declaring those establishments which do not meet the criteria ineligible advertisers on "specific information signs."

4. The bill requires that the Highway Department make subjective determinations of what constitutes "qualified" establishments -- for example, lodging facilities must provide "adequate" sleeping accommodations (p. 6, l. 17), and camping services must provide "adequate" camping and parking spaces (p. 7, l. 23) -- all within the sole discretion of the Highway Department -- before such businesses may advertise on "specific information signs."

5. Eligibility for advertising on "tourist-oriented directional signs" also requires that a gas, food, lodging or camping establishment be open for a certain minimum amount of time

6. The Department of Highways also must make subjective determinations of what constitutes an "acceptable level of service to the public" in assessing the eligibility of businesses to advertise on "tourist-oriented directional signs" (p. 9, l. 23-24). In addition, the Highway Department determines whether a tourist service derives a majority of its income "from tourists not residing in the immediate area of the activity" (p. 10, l. 21-23).

7. The "motorist information sign program" authorized by SB 94 puts the Highway Department in the business of issuing franchises to "qualified" persons to establish and operate the "specific information signs" and "tourist-oriented directional signs" (p. 11, l. 15-25, page 12., l - 18).

8. The bill creates exceptions to existing outdoor advertising statutes by placing signs on the publicly operated rights-of-way or publicly leased land where such signs previously were prohibited (p. 15, l. 1-6).

9. There are a number of practical issues not addressed by SB 94, for example:

   * Can one franchisee monopolize the state?

   * Who will monitor potential advertisers to ensure their eligibility for the program and that they remain eligible?

   * How will revenues be collected and disbursed if advertisers go out of business or no longer are eligible?

   * What liability will the state still have in the event of an accident involving a sign established by this program?

   * What is the need for the state to establish this program?

   * Why may only certain types of businesses be allowed to advertise under this program to the exclusion of other providers of services to the traveling public, such as auto parts stores, private museums, and art galleries?

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAYS AND TRANSPORTATION

Call to Order: By Chairman Stang, on March 14, 1989, at 3:40 p.m.

ROLL CALL

Members Present: All with exception of:

Members Excused: Rep. Harrington and Rep. Steppler

Members Absent: None

Staff Present: Paul Verdon, Researcher
Claudia Johnson, secretary

Announcements/Discussion: None

HEARING ON SENATE BILL 355

Presentation and Opening Statement by Sponsor:

Sen. Farrell, Senate District 31, opened by stating that his bill is comprised of three measures; 1) A cleanup measure on the commercial driver's license bill from last session the Federal Government and Dept. of Transportation had not finalized some of the sections of the rules and stated this bill brings Montana into compliance with those federal rules. Sen. Farrell stated at that time Montana had exempted farmers and the Federal Government did not and at this time the exemption has been put in to clarify what the Federal Government had decided to do and that was to exempt the farmers up to 150 miles along the borders, e.g., a North Dakota farmer could come into the state of Montana within 150 miles from farm headquarters loaded with grain and not have to purchase a commercial driver's license. 2) The Federal Government has lowered the standards on blood alcohol for commercial driver's license only. The blood level for commercial license is .04 compared to .10 for the state of Montana. 3) The definition of a serious traffic violation. Sen. Farrell stated the Dept. has cited a statute that pertains to all drivers and the Federal Government has come up with guidelines, this bill allows the Motor Vehicle Div., Drivers Services Bureau to adopt federal rules under the Montana Administrative Procedure Act. Sen. Farrell stated that this bill will allow the Dept. the flexibility to change or adopt basic rules without having to come back every session.

Motion: Rep. Campbell called the question. Roll call vote was taken. The motion CARRIED 9/6 to BE CONCURRED IN AS AMENDED. Rep. Clark will carry the bill on the floor of the House of Representatives.

DISPOSITION OF SENATE BILL 62

Motion: Rep. Aafedt moved SB 62 to BE CONCURRED IN.

Discussion: Rep. Stang stated this bill is one of the most important bills to be passed for the trucking industry.

Amendments, Discussion, and Votes: None

Recommendation and Vote: Rep. Davis called the question. Roll call vote was taken. The motion CARRIED 13/2 to BE CONCURRED IN. Rep. Stang will carry SB 62 on the floor of the House of Representatives.

DISPOSITION OF SENATE BILL 94

Motion: Rep. Aafedt moved SB 94 to BE CONCURRED IN.

Discussion: None

Amendments, Discussion, and Votes: Rep. Roth moved amendments. Rep. Bachini called the question. All Committee Members voting aye to pass amendments.

Recommendation and Vote: Rep. Campbell called the question. The motion CARRIED unanimously to BE CONCURRED IN AS AMENDED. Rep. Campbell, Rep. Roth and Rep. Zook voted no. Rep. Koehnke will carry the bill on the floor of the House of Representatives.

DISPOSITION OF SENATE BILL 355

Motion: Rep. Aafedt moved SB 355 to BE CONCURRED IN.

Discussion: None

DAILY ROLL CALL

HIGHWAYS AND TRANSPORTATION COMMITTEE

51st LEGISLATIVE SESSION -- 1989

Date March 14, 1989

NAME	PRESENT	ABSENT	EXCUSED
Chairman Stang, Barry "Spook"	✓		
Vice Chairman Linda Nelson	✓		
Rep. Bachini, Bob	✓		
Rep. Davis, Ervin	✓		
Rep. Harrington, Dan			✓
Rep. O'Connell, Helen	✓		
Rep. Steppler, Don			✓
Rep. Westlake, Vernon	✓		
Rep. Aafedt, Ole	✓		
Rep. Campbell, Bud	✓		
Rep. Clark, Robert	✓		
Rep. Owens, Lum	✓		
Rep. Patterson, John	✓		
Rep. Roth, Rande	✓		
Rep. Zook, Tom	✓		

STANDING COMMITTEE REPORT

March 15, 1989

Mr. Speaker: We, the committee on Highways and Transportation report that Senate Bill 94 (third reading copy -- blue) be concurred in as amended .

Signed: Barry Stang, Chairman

[REP. KOEHNKE WILL CARRY THIS BILL ON THE HOUSE FLOOR]

And, that such amendments read:

1. Page 6, line 21.
Following: "restaurants,"
Insert: "campgrounds,"

2. Page 9, line 11.
Strike: "or advertises on"

3. Page 9, line 14.
Following: "sign"
Insert: "for 1 year after the illegal outdoor advertising structure is removed unless the owner voluntarily removes it within 45 days of receiving notification under 75-15-131"

4. Page 13, line 9.
Strike: "or advertises on"

5. Page 13, line 12.
Following: "sign"
Insert: "for 1 year after the illegal outdoor advertising structure is removed unless the owner voluntarily removes it within 45 days of receiving notification under 75-15-131"

HOUSE

RT

SB 94

SENATE BILL NO. 94

INTRODUCED BY BENGTSON, KOEHNKE

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A MOTORIST INFORMATION SIGN PROGRAM; AUTHORIZING INSTALLATION AND MAINTENANCE OF MOTORIST INFORMATION SIGNS WITHIN THE RIGHTS-OF-WAY OF INTERSTATE AND PRIMARY HIGHWAYS; ALLOWING THE DEPARTMENT OF HIGHWAYS TO AWARD FRANCHISES TO PRIVATE PERSONS TO ESTABLISH AND OPERATE A MOTORIST INFORMATION SIGN PROGRAM; PROVIDING FOR FEES TO COVER THE COSTS OF THE PROGRAM; GRANTING RULEMAKING AUTHORITY; AMENDING SECTIONS 60-5-110 AND 75-15-111, MCA; AND PROVIDING AN EFFECTIVE DATE."

STATEMENT OF INTENT

A statement of intent is required for this bill because [section 15] grants the department of highways authority to adopt rules to implement the provisions of [this act].

It is the intent of the legislature that the department have discretion to adopt rules that will result in a motorist information sign program that will aid the traveling public in locating gas, food, lodging, camping, recreation, and other tourist services that are conveniently accessible from the interstate and primary highways within the state. Such rules should supplement and interpret the

provisions of [this act].

In adopting rules, the department should develop a policy for installation of motorist information signs. At a minimum, this policy should include criteria for:

(1) standards of service for business eligibility for placement of a logo sign;

(2) distances to eligible services;

(3) selection of eligible businesses for motorist information signing;

(4) location of motorist information signs at interchanges or intersections, in accordance with federal standards;

(5) standards for the size, design, installation, and maintenance of motorist information signs; and

(6) the costs to businesses for installation, annual maintenance, and repair of business signs.

It is intended that the department establish service eligibility requirements with the knowledge that in the rural vastness of this state it is important for a traveler to obtain information about available services, even if the full range of services contemplated by federal guidelines is not available. The department may provide a method for the substitution or replacement of services that are not available at a location, and it may establish some method of signing to indicate to the traveler that a particular

service category is not available at the signed businesses.

It is intended that the department may require additional terms and conditions relating to issuance of a franchise for operation of the motorist information sign program. Such additional requirements may relate to termination of a franchise agreement and to the posting of a contractor's bond for sign construction and maintenance.

Finally, the department should consider the success of the motorist information sign programs established in the states of Idaho and Washington and the logo sign franchise program established in the state of Minnesota.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1.** **Purpose.** It is the purpose of [sections 1 through 17] to provide for the installation of motorist information signs giving specific information of interest to the traveling public regarding motorist services that are conveniently accessible from the interstate and primary highways within the state.

NEW SECTION. **Section 2.** **Definitions.** As used in [sections 1 through 17], unless the context indicates otherwise, the following definitions apply:

(1) "Business sign" means a separately attached sign mounted on a motorist information sign panel to show the brand, symbol, trademark, or name, or combination of these,

for a motorist service available on a crossroad at or near an interchange or intersection.

(2) "Crossroad" means a marked route or other public road intersecting a freeway or divided highway for which access is provided at an interchange or intersection.

(3) "Department" means the department of highways provided for in 2-15-2501.

(4) "Franchisee" means a person awarded a franchise as provided in [section 12].

(5) "Motorist information sign" means a rectangular sign panel located in the same manner as other official traffic signs, readable from the main traveled way, and that is a:

(a) specific information sign; or

(b) tourist-oriented directional sign.

(6) "Motorist service" means gas, food, lodging, camping, recreation, and other tourist services.

(7) "Specific information sign" means a motorist information sign that is located on the interstate highway system and that contains:

(a) the words "GAS", "FOOD", "LODGING", or "CAMPING";

(b) directional information; and

(c) one or more individual business signs.

(8) "Tourist-oriented directional sign" means a motorist information sign located on the primary highway

system to provide:

(a) business identification; and

(b) directional information for businesses, services, and activities of interest to tourists.

NEW SECTION. **Section 3.** **Specific information signs within right-of-way of interstate highway system.** Specific information signs may be erected and maintained within the right-of-way of the interstate highway system to give the traveling public specific information as to motorist services available on a crossroad at or near an interchange.

NEW SECTION. **Section 4.** **Specific information signs -- number of business signs -- distances.** (1) The number of specific information signs permitted is limited to one for each type of motorist service along an approach to an interchange or intersection.

(2) No more than six business signs may be displayed on a "GAS" specific information sign, and no more than four business signs may be displayed on a "FOOD", "LODGING", or "CAMPING" specific information sign. Except as provided in subsection (3), no business may be allowed more than one business sign on the same specific information sign.

(3) In areas where there are only one or two qualified businesses available for each of two or more types of motorist services, business signs for two types of services may be displayed by a business on the same specific

information sign. No more than two business signs for each type of service may be displayed in combination on a specific information sign.

(4) To qualify for business identification on a specific information sign, a motorist service facility shall meet the eligibility criteria established in [section 6] and may not be located more than 3 miles from the interstate highway. However, if no eligible services are located within the 3-mile limit, the distance limits may be increased in 3-mile increments until either an eligible service or 15 miles is reached.

NEW SECTION. **Section 5.** **Sign composition -- spacing -- conformity with laws.** (1) A specific information sign panel must have a blue background with a white reflectorized border. The panels may be illuminated subject to regulation by the department.

(2) A business sign must have a blue background with a white legend unless other requirements are established by the department. Nationally, regionally, or locally known commercial symbols, brands, or trademarks for service stations, restaurants, CAMPGROUNDS, and motels must be used when applicable. The symbol, brand, or trademark used on the business sign must be reproduced in the colors and general shape consistent with customary use. Messages, symbols, brands, or trademarks that interfere with or

resemble any official warning or regulatory traffic sign, signal, or device are prohibited.

(3) Specific information signs are permitted only at locations where there is adequate distance between interchanges ~~to ensure~~ IN compliance with ~~23 CFR 655.307~~ THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, AS AMENDED.

(4) The spacing between two specific information sign panels and between specific information sign panels and official traffic control signs must be in accordance with the Manual on Uniform Traffic Control Devices. If there is insufficient space for both official traffic control signs and specific information signs, the official traffic control signs must be installed.

(5) The erection and maintenance of specific information signs must conform to national standards promulgated by the secretary of the U.S. department of transportation pursuant to 23 U.S.C. 131 and 23 U.S.C. 315 and rules adopted by the department under [section 15].

NEW SECTION. **Section 6.** **Business eligibility -- criteria -- restrictions.** (1) To be eligible for placement of a business sign on a specific information sign panel, a business establishment shall meet ~~the following standards for motorist services:~~

~~(a) "GAS" services must:~~

~~(i) provide vehicle services, including fuel, oil, tire repair, and water;~~

~~(ii) be in continuous operation at least 16 hours a day, 7 days a week;~~

~~(iii) provide restroom facilities and drinking water; and~~

~~(iv) have a telephone available for public use;~~

~~(b) "FOOD" services must:~~

~~(i) be licensed by the department of health and environmental sciences as required under 50-50-201;~~

~~(ii) be in continuous operation to serve three meals a day, 7 days a week; and~~

~~(iii) provide telephone and restroom facilities;~~

~~(c) "LODGING" services must:~~

~~(i) be licensed by the department of health and environmental sciences as required under 50-51-201;~~

~~(ii) provide adequate sleeping accommodations; and~~

~~(iii) offer public telephone facilities;~~

~~(d) "CAMPING" services must:~~

~~(i) be licensed by the department of health and environmental sciences and allow inspections by the local health officer, as required under 50-52-103;~~

~~(ii) provide adequate camping and parking spaces; and~~

~~(iii) have modern sanitary and drinking water facilities~~ STANDARDS FOR "GAS", "FOOD", "LODGING", AND "CAMPING" SERVICES IN RULES ADOPTED BY THE DEPARTMENT

PURSUANT TO GUIDELINES IN THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, AS AMENDED.

(2) (a) Each business identified on a specific information sign shall provide assurance of its conformity with all applicable laws concerning the provision of public accommodations without regard to race, color, sex, culture, social origin or condition, or political or religious ideas.

(b) If such a business violates any of these laws, it loses eligibility for business identification on a specific information sign.

(3) No business that owns ~~or advertises on~~ any outdoor advertising structure in violation of the provisions of Title 75, chapter 15, part 1, may be eligible for business identification on a specific information sign FOR 1 YEAR AFTER THE ILLEGAL OUTDOOR ADVERTISING STRUCTURE IS REMOVED UNLESS THE OWNER VOLUNTARILY REMOVES IT WITHIN 45 DAYS OF RECEIVING NOTIFICATION UNDER 75-15-131.

NEW SECTION. **Section 7. Tourist-oriented directional signs within right-of-way of primary highway system.** (1) Tourist-oriented directional signs may be erected and maintained within the right-of-way of the primary highway system to provide information to the traveling public concerning motorist services accessible from the primary highway system by way of an intersecting highway.

(2) A EXCEPT AS PROVIDED BY RULE, A tourist-oriented

directional sign may not be erected if the place of business is readily visible from the main-traveled roadway.

NEW SECTION. **Section 8. Tourist-oriented directional signs -- number of business signs -- distances.** (1) The number of tourist-oriented directional signs is limited to three signs on an approach to an intersection.

(2) No more than four business signs may be installed on a tourist-oriented directional sign.

(3) To qualify for business identification on a tourist-oriented sign, a business shall meet the eligibility criteria established in [section 10] and may not be located more than 5 miles from the primary highway, except as otherwise permitted by the department if no eligible business is located within the 5-mile limit.

NEW SECTION. **Section 9. Sign composition -- design -- conformity with standards and rules.** (1) A tourist-oriented directional sign must be rectangular in shape and must have a white legend and border on a blue background.

(2) A tourist-oriented directional sign may contain standard general service symbols to indicate a class of business, service, or activity.

(3) Business signs for specific businesses, services, and activities may be installed on a tourist-oriented directional sign. Nationally, regionally, or locally known commercial symbols, brands, or trademarks for service

stations, restaurants, CAMPGROUNDS, and motels must be used when applicable. Such commercial symbols, brands, and trademarks must be reduced to an appropriate size. No business sign may resemble any official warning or regulatory traffic sign, signal, or device.

(4) A tourist-oriented directional sign may contain no more than two lines of legend, including no more than one business sign, a separate directional arrow, and the distance to the specific business, service, or activity.

(5) The content of the legend must be limited to the identification of the business, service, or activity. The legend may not include promotional advertising.

(6) The legends, arrows, and business signs displayed on a tourist-oriented directional sign may be reflectorized.

(7) The erection and maintenance of tourist-oriented directional signs must conform to national standards promulgated by the U.S. secretary of transportation pursuant to 23 U.S.C. 131 and 23 U.S.C. 315 and rules adopted by the department under [section 15].

NEW SECTION. **Section 10.** Business eligibility -- criteria -- restrictions. (1) To be eligible for business identification on a tourist-oriented directional sign, a business establishment shall meet the following standards for a business, service, or activity:

(a) Gas, food, lodging, and camping services must:

(i) be licensed and approved by the state and local agencies regulating the particular type of business;

(ii) provide an acceptable level of service to the public;

(iii) be in continuous operation at least 8 hours a day, 5 days a week, including Saturday or Sunday; and

(iv) have ~~adequate--public~~ A telephone and restroom facilities AVAILABLE FOR PUBLIC USE.

(b) Recreation services must:

(i) be licensed and approved by state and local agencies as required by law;

(ii) provide to families and the public activities of interest in which people participate for purposes of physical exercise, collective amusement, or enjoyment of nature. Such activities may include hiking, golfing, skiing, boating, swimming, picnicking, fishing, and horseback riding.

(c) Tourist services must:

(i) be licensed as required by law;

(ii) be open to the public at least 8 hours a day, 5 days a week, including Saturday or Sunday, during the normal tourist season; and

(iii) provide a natural, recreational, historical, cultural, educational, or entertainment activity or a unique or unusual commercial or nonprofit activity, from which the

major portion of income or visitors is derived during normal business seasons from motorists not residing in the immediate area of the activity.

(2) (a) Each business identified on a tourist-oriented directional sign shall provide assurance of its conformity with all applicable laws concerning the provision of public accommodations without regard to race, color, sex, culture, social origin or condition, or political or religious ideas.

(b) If a business violates any of these laws, it loses eligibility for business identification on a tourist-oriented directional sign.

(3) No business that owns ~~or advertises on~~ any outdoor advertising structure in violation of the provisions of Title 75, chapter 15, part 1, may be eligible for business identification on a tourist-oriented directional sign FOR 1 YEAR AFTER THE ILLEGAL OUTDOOR ADVERTISING STRUCTURE IS REMOVED UNLESS THE OWNER VOLUNTARILY REMOVES IT WITHIN 45 DAYS OF RECEIVING NOTIFICATION UNDER 75-15-131.

NEW SECTION. **Section 11.** **Motorist information sign program -- department.** There is a motorist information sign program ~~established~~ TO BE OPERATED BY A FRANCHISEE under the general supervision and control of the department.

NEW SECTION. **Section 12.** **Franchises.** (1) The department may grant a franchise by public negotiation or bid to qualified persons to establish and operate the

motorist information sign program authorized under [section 11].

(2) A franchisee shall furnish, install, maintain, and replace motorist information signs for the benefit of businesses that provide motorist services for the general public and may lease space on the signs to eligible businesses.

(3) A franchisee shall comply with the provisions of [sections 1 through 10] and any other applicable state and federal laws and regulations.

NEW SECTION. **Section 13.** **Contract requirements.** All contracts made between the department and a franchisee must provide for:

(1) a requirement that the franchisee obtain liability insurance in an amount sufficient to jointly insure the state and the franchisee against all liability for claims for damages occurring wholly or in part because of the franchisee; and

(2) the standards for the size, design, erection, and maintenance that were adopted under [section 15].

NEW SECTION. **Section 14.** **Costs.** The department shall authorize reasonable fees to cover all costs incurred under the motorist information sign program. Fees must be paid under agreements negotiated between a franchisee and an advertiser unless otherwise provided in the contract between

the department and the franchisee.

NEW SECTION. **Section 15.** **Rulemaking authority.** The department may adopt rules necessary to implement the provisions of [sections 1 through 14].

NEW SECTION. **Section 16.** **Restrictions.** The department may take no action under [sections 1 through 15] that may result in the loss to the state of any federal highway construction funds.

NEW SECTION. **Section 17.** **Federal requirements -- conflict and accord.** If the secretary of the U.S. department of transportation finds any part of [sections 1 through 16] to be in conflict with federal requirements that are prescribed as a condition to the allocation of federal funds to the state, the conflicting part of [sections 1 through 16] is invalid only to the extent of the conflict and such finding may not affect the operation of the remainder of [sections 1 through 16] in its valid applications.

Section 18. Section 60-5-110, MCA, is amended to read:

"**60-5-110. Commercial enterprise or structure prohibited -- exception.** No Except as provided in [section 12], no commercial enterprise or structure shall be constructed or operated on the publicly owned right-of-way of a controlled-access highway or facility or on any publicly leased land used in connection therewith."

Section 19. Section 75-15-111, MCA, is amended to

read:

"**75-15-111. Outdoor advertising prohibited in proximity to highway -- exceptions.** (1) Outdoor advertising may not be erected or maintained which is within 660 feet of the nearest edge of the right-of-way and which is visible from any place on the main-traveled way of an interstate or primary system except:

(a) directional and other official signs and notices, which signs and notices include but are not limited to signs and notices pertaining to natural wonders and scenic and historical attractions, as authorized or required by law;

(b) signs, displays, and devices advertising the sale or lease of property upon which they are located;

(c) signs, displays, and devices advertising activities conducted on the property upon which they are located;

(d) signs, displays, and devices located in areas which are zoned industrial or commercial by a bona fide state, county, or local zoning authority;

(e) signs, displays, and devices located in unzoned commercial or industrial areas, which areas shall be determined from actual land uses and by agreement between the department of highways and the secretary and defined by rules adopted by the commission. The exception granted by this subsection shall not apply to signs, displays, and

devices located within an unzoned area in which the commercial or industrial activity used in defining the area has ceased for a period of 9 months.

(f) signs or displays advertising the cultural exhibits of nonprofit historical or arts organizations if the signs or displays conform with the standards provided in Title 23, Code of Federal Regulations, section 750, subpart B~~.~~; or

(g) signs that are consistent with the policy of this state and with the national policy set forth in 23 U.S.C. 131 and the regulations promulgated thereunder and that are designed to provide information in the specific interest of the traveling public as provided in [sections 3 through 5, 7 through 9, 11, and 12].

(2) Outdoor advertising authorized under subsections (a), (d), and (e) of (1) of this section shall conform with standards contained in and shall bear permits required in rules which are adopted by the commission and this part.

(3) Outdoor advertising may not be erected or maintained beyond 660 feet of the nearest edge of the right-of-way of an interstate or primary highway outside of an urban area if such outdoor advertising is or was erected with the purpose of its message being read from such main-traveled way and visible from such main-traveled way unless such outdoor advertising meets the criteria of

subsections (a), (b), or (c) of (1) of this section. Should such outdoor advertising meet said criteria, it shall conform with standards contained in rules which are adopted by the commission and this part."

NEW SECTION. **Section 20.** Effective date. [This act] is effective July 1, 1989.

-End-